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ABSTRACT

On November 11 and December 5, 1975, the subcommittee heard testimony on: (1) the administration and organizational structure of programs with the U.S. Office of Education (USOE) designed primarily to enhance the educational opportunities for the children of migrant and seasonal farmworkers and (2) the Federal government's responsibility and role in the area of migrant education. Witnesses included: representatives from USOE's Bureau of School Systems, Office of Compensatory Educational Programs, and Division of Education for the Disadvantaged; directors and coordinators from the States of California, Washington, Michigan, Pennsylvania, and Florida; and representatives from the National Education Association's Migrant Project. Additional information included such reports as: "Migrant Student Record Transfer System" and "Evaluation of the Migrant Student Record Transfer System." (NQ)

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OVERSIGHT HEARING ON MIGRANT EDUCATION PROGRAMS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON AGRICULTURAL LABOR

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

HEARINGS HELD IN WASHINGTON, D.C.

NOVEMBER 11 AND DECEMBER 5, 1975

Printed for the use of the Committee on Education and Labor

CARL D. PERKINS, *Chairman*

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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OVERSIGHT HEARING ON MIGRANT EDUCATION PROGRAMS

TUESDAY, NOVEMBER 11, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AGRICULTURAL LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:50 a.m., in room 2261, Rayburn House Office Building, William D. Ford (chairman of the subcommittee) presiding.

Members present: Representatives Ford, Dent, and Meeds.

Staff present: Thomas R. Jolly, subcommittee counsel; Patricia R. Morse, subcommittee clerk; Toni Grant, research assistant; James J. Soran III, research aide, and Christopher T. Cross, minority counsel.

Mr. FORD. The hearing will be in order.

We had hoped to have this hearing before the field investigation that we conducted earlier this month. We have the reverse, but I am sure that it will tie together.

We had meetings in Colorado recently with migrant education directors from the statewide program. We also took the subcommittee to Greeley, Colo., for the purpose of talking to the people actually in the field, working on migrant education.

We have invited officials from the Office of Education to brief us this morning on what is going on in the administration and the organizational structure of programs within the Office of Education, designed primarily to enhance the educational opportunities for the children of migrant and seasonal farmworkers.

We also hope to hear from representatives of the National Education Association which has long been active in the area of migrant education and which presently funds a special migrant workers project to support efforts to improve the educational and economic opportunities of migrant workers.

We have first Mr. Robert Wheeler, Deputy Commissioner, Bureau of School Systems.

Mr. Wheeler is accompanied by John Rodriguez, Associate Commissioner for Compensatory Educational Programs; Richard L. Fairley, Director, Division of Education for the Disadvantaged; Vidal A. Rivera, Chief, Migrant Branch, Division of Education for the Disadvantaged, Office of Compensatory Educational Programs; Albert L. Alford, Assistant Commissioner for Legislation, and Steven Schatken, Chief, Special Services Branch, Office of the General Counsel, Education Division.

Without objection, the prepared text will be inserted in the record at this point, and Mr. Wheeler, you may proceed in any way you think most productive.

[Prepared statement of Robert R. Wheeler follows:]

PREPARED STATEMENT BY ROBERT R. WHEELER, DEPUTY COMMISSIONER, BUREAU OF SCHOOL SYSTEMS, U.S. OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and members of the committee: I appreciate the opportunity to appear before you today to discuss the program for migratory children that is being provided through grants to State educational agencies under title I of the Elementary and Secondary Education Act. I have with me today the associate commissioner for compensatory educational programs, Dr. John H. Rodriguez, the director of the division of education for the disadvantaged, Dr. Richard L. Fairley, and the chief of the migrant branch, Mr. Vidal A. Rivera, Jr.

PROGRAM OVERVIEW

Title I of Public Law 89-10, the Elementary and Secondary Education Act of 1965, authorized a national education program for disadvantaged children. This act was amended by Public Law 89-750 in November 1966 to incorporate special provisions for children of migratory agricultural workers. Section 103 of that law authorized "payments to State educational agencies for assistance in educating migratory children of migratory agricultural workers." P.L. 89-750 also provided that grant monies were to be used for interstate coordination of migrant education programs and projects, including the transmittal of children's school records; and for coordination with programs administered under title III-B of the Economic Opportunity Act of 1964. P.L. 93-380, the Education Amendments of 1974, further amended title I to include children of migratory fishermen. Children of migrant fishermen are now being recruited and enrolled in the program during calendar year 1975.

In 1967, 44 States participated in title I migrant projects. Since that time the program has expanded to encompass 48 States and Puerto Rico. The funding for these educational services has increased—from approximately $10 million in fiscal year 1967 to $97 million in fiscal year 1976.

The mobility of migrant families presents a sizeable difficulty, not only in counting the children, but also in the maintenance and transfer of the student records.

In the beginning, we relied on data prepared for us by the Department of Labor. This information, however, was considered inadequate for our purposes. When the migrant student record transfer system was established in 1970, to receive, store and transmit migrant student educational and health data among LEA's throughout the country, we also began to look at it as a possible basis for more adequately determining State allocations.

The Congress also recognized the difficulty of counting migrant pupils for funding purposes, and, therefore, P.L. 93-380 provided that the number of migrants will be estimated from "statistics available by the MSRTS or such other system as (the Commissioner) may determine most accurately and fully reflects the actual number of migrant students."

A comparison of the quality of the data received from the Department of Labor, and information now available from the MSRTS, led to the decision that MSRTS would be more accurate for State allocation purposes. A GAO report of September 16, 1975 reaffirmed our decision to use this data. In FY 1975 and FY 1976, allocations were made on the basis of a count of children using data collected by the computer system.

To assure ourselves of the accuracy and the completeness of the data used for funding purposes, we have conducted validation reviews. However, these reviews, up to this point, have been spot checks. A major feature of a forthcoming study of the migrant education program, will be a comprehensive validation of the allocation information stored in the MSRTS. In order to avoid any disruption to the on-going use of the MSRTS, we are now working with State title I migrant directors to determine the best approach to use in conducting the validation. We have also made arrangements for the on-going involvement of the state directors. In addition, we intend to continue and even increase the spot checks on the data.

When the committee originally scheduled its hearings on migrant education, it indicated an interest in our contractor's concern that Federal privacy laws were not being adequately observed in the conduct of this evaluation. We have since visited Little Rock, having thoroughly considered the matter from the legal standpoint, and have, to the best of our knowledge, resolved this issue.

RELATIONSHIP TO COMPENSATORY EDUCATION

A very high percentage of migratory children attend schools serving attendance areas that have been designated for projects under the title I local program. Such children are expected to participate in title I local programs on the same basis as non-migratory children.

Local title I project directors have the primary responsibility for ensuring the coordination of services from the two sources of funds (local title I and State agency title I migrant allocations), as a result, migratory children are participating in title I local projects and are receiving additional supplemental services under the title I migrant program. For example, in North Hampton and Columbus Counties, North Carolina, all of the migratory children attend title I project area schools and participate in special regular title I reading programs that are highly individualized to meet the needs of migratory and non-migratory children.

Closely coordinated programs of title I and migrant services are provided in Texas in the Eagle Pass, Hereford and Edinburg School Districts and in New Mexico, in the Espinola, Las Vegas and Taos School Districts. In Texas, the title I program is providing diagnostic and prescriptive services and teacher aides for both migratory and non-migratory children. In the three districts of New Mexico, migratory children participate in title I reading programs and also receive special assistance from bilingual teacher aides provided with title I migrant funds. The integration of the support from the two sources (title I and migrant funds) is highly desirable. It allows greater flexibility in planning by the school districts, and makes for a more rational administrative task.

Let me now share with you a few examples which may give the committee an idea of the nature and thrust of these migrant educational efforts:

The New Jersey Department of Education has set up a mobile industrial training unit for migrant youth. The unit consists of a trailer with a simulated office and an industrial assembly line. It operates 12 months a year, serving 5 migrant education centers and 10 school districts throughout the state.

The California mini-corps program was designed to utilize current and former migrant children as tutors and program assistants. It has had a two-fold impact: (1) provides assistance to former migrant pupils in order for them to pursue further educational opportunities in junior colleges and colleges, and (2) provides a model for individualizing instruction to further the educational achievement level of under-achieving migrant children.

In Nampa, Idaho a project serves 344 migrant children, ages 14–21 by offering an evening program for youth who are unable or unwilling to enroll in a day school program. Many participants are former dropouts; most would attend no school if this facility were not available.

ORGANIZATION OF THE DIVISION OF EDUCATION FOR THE DISADVANTAGED

Mr. Chairman, I would now like to focus our discussion on a subject in which your subcommittee has expressed an interest through your letter of August 19 to the commissioner of education. I am referring to your specific concern with regard to the organizational status of the migrant education program within the office of education. Let me first describe our current organizational arrangements.

The division of education for the disadvantaged under Dr. Fairley is organized into four branches; program services, program support, program operations, and the migrant program branch. Dr. Fairley reports to the associate commissioner for compensatory educational programs, Dr. Rodriguez, and he in turn reports to me as deputy commissioner for school systems.

The migrant program branch, which has direct responsibility for title I migrant program, is staffed with 9 professional staff members, 1 program assistant and 2 secretaries. The staff of the migrant program branch devotes all of its time to the administration of the title I migrant program. The staff reviews each state application, negotiates changes that may be required, and recommends the issuance of grant awards. The staff also conducts annual program reviews of title I migrant programs in the various states, reviews fiscal and statistical reports, and provides technical assistance to state educational agencies.

You are aware of the scope and complexity of title I, a program totaling $1.9 billion for FY 1976. New legislative requirements and new demands for assistance to State and local educational agencies have greatly taxed the limited resources that are currently available for the administration of title I programs. We need to do more in the critical areas of title I administration, including comparability, fiscal accountability, evaluation of program effectiveness, and technical assistance to State and local applicants in program evalution and dissemination.

I fully appreciate, as do you and the members of your committee, the special requirements of the migrant program, such as interstate coordination of programs and the monitoring of the migrant student record transfer system. For this reason, the size of the title I migrant program staff is already, and will continue to be, somewhat larger in proportion to the title I allocations involved than the staff that works with local title I programs.

As Dr. Bell pointed out in his response to your communication, we have considered the establishment of a separate division for the title I program for migratory children, and we have evaluated the resources available in the office of education for the staffing of such a division. In order to maintain our current effort in migrant education, a significant staff increase would be needed if we established a separate office. Currently, additional services are provided to the migrant program staff and for the title I migrant program by 24 program specialists in the division for the education for the disadvantaged and 10 program specialists in the regional office. So, we have concluded that the staff situation would make it difficult to create another separate division. Furthermore, the Congress has rejected most of OE's recent requests for increased staff.

Separating the administration of the migrant program from the administration of title I would probably also create financial hardships for many of the States. As a corollary to the current Federal organizational pattern, in most State educational agencies the administration of both title I local and title I migrant programs is handled in the same unit. Thirty-four of the 50 SEA's participating in the migrant program have assigned administration of that program to the title I coordinator. In most local educational agencies both programs are administered in the same unit. Mr.Vittetow from the Kentucky State Department of Education has stated that the current one percent set-aside for administrative costs would not be sufficient to support the cost of administering the program if it were separated from title I.

I feel this would be a costly duplication of administrative services at both the State and Federal levels.

CONCLUSION

Mr. Chairman, I appreciate the concern of this committee for the educational welfare of this segment of the school population which faces severe difficulty in the advancement of their educational careers. Effective Fededal support of programs intended to improve the plight of disadvantaged children in general, and of migrant children in particular, is at the core of the constellation of responsibilities performed by the bureau of school systems. I am confident that a look at the history of our administration of the migrant program will not indicate conflict. Rather, it will indicate much needed synchronization and support, beyond allocated resources for the educational advancement of migrant children.

My staff and I will be pleased to respond to your questions.

STATEMENT OF ROBERT R. WHEELER, DEPUTY COMMISSIONER, BUREAU OF SCHOOL SYSTEMS, U.S. OFFICE OF EDUCATION DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY JOHN H. RODRIGUEZ, ASSOCIATE COMMISSIONER FOR COMPENSATORY EDUCATIONAL PROGRAMS, BUREAU OF SCHOOL SYSTEMS; RICHARD L. FAIRLEY, DIRECTOR, DIVISION OF EDUCATION FOR THE DISADVANTAGED, OFFICE OF COMPENSATORY EDUCATIONAL PROGRAMS; VIDAL A. RIVERA, JR., CHIEF, MIGRANT BRANCH, DIVISION OF EDUCATION FOR THE DISADVANTAGED; ALBERT L. ALFORD, ASSISTANT COMMISSIONER FOR LEGISLATION, AND STEVEN N. SCHATKEN, CHIEF, SPECIAL SERVICES BRANCH, OFFICE OF GENERAL COUNSEL, EDUCATION DIVISION

Mr. Wheeler. Mr. Chairman, would you like me to identify them, so that you will know who is who?

Mr. Ford. Yes.

Mr. Wheeler. If you will look at your list, on my immediate left is Dr. John Rodriquez, who is the Associate Commissioner in charge of compensatory education programs; to his immediate left is Vidal Rivera; and to his left is Steve Schatken from the Office of the General Counsel.

On my immediate right is Dr. Richard Fairley, who is in charge of the Division of Education for the Disadvantaged, and has the responsibility, the administrative responsibility for the migrant programs; and Albert L. Alford, Assistant Commissioner for Legislation, is on his immediate right.

I have this prepared statement, Mr. Chairman, should I read it?

Mr. Ford. You may proceed with it, and highlight it, if you wish.

Mr. Wheeler. By way of the program review, it might be useful to set a framework for the testimony this morning.

Title I of Public Law 89–10, the Elementary and Secondary Educatoin Act of 1965, authorized a national education program for disadvantaged children.

This act was amended by Public Law 89–750 in November 1966, at which time the special provisions for children of migratory agricultural workers were incorporated into the legislation.

Section 103 of that law authorized payments to State educational agencies for assistance in educating migratory children of migratory agricultural workers. This law also provided that grant monies were to be used for the interstate coordination of migrant education programs and projects.

Then, in 1974, Public Law 93–380 further amended title I to include children of migratory fishermen, and these children are now being recruited and enrolled in the program during the calendar year 1975 program.

In 1967, it was active in 44 States, and it has now extended to include 48 States and Puerto Rico. The appropriation for the migrant activities from compensatory legislation has increased from approximately $10 million in fiscal year 1967 to $97 million in fiscal year 1976.

I think that the committee, because of its ongoing interest in this special program, is aware of the difficulty not only in counting the children, but in accomplishing the transfer of the student records. These are very, very important administrative considerations.

In the beginning, we relied on data prepared for us by the Department of Labor. This information, however, was considered inadequate for our purposes, and we established the Migrant Student Record Transfer System in 1970.

The purpose of that system was to receive, store, and transmit information about migrant students. That information included educational and health data. The system transferred information to local education agencies throughout the country which had interests in the education of migrant children.

Because of the structure of that system, which is a computerized system, we began to examine it as a basis for more adequately determining the State allocations.

The Congress, in the enactment of Public Law 93–380 recognized the difficulty of counting migrant pupils and provided that the number of students would be estimated from "statistics made available by the MSRTS or such other system as (the Commissioner) may determine most accurately and fully reflects the actual number of migrant students."

We compared the data that we were receiving from the Department of Labor with the information which was available from the MSRTS, and that led us to the decision that the MSRTS would be a more accurate system for allocation purposes.

The GAO report, dated September 16, 1975, reaffirmed our decision to use this data. In fiscal year 1975 and in fiscal year 1976, allocations were made on the basis of a count of children using data collected and given to us by the MSRTS computer system.

That system, of course, needed to be examined for its accuracy also, and we began, at the outset, to conduct validation reviews. However, the reviews that we have conducted up to this point have been spot checks. Nevertheless, the information led us to conclude that this is an efficient system, and that it gave us more accurate information than we had been getting up to this time.

Now we are going to be engaged in a rather comprehensive study of the migrant education program, and that will include a validation, and a much more comprehensive and thorough validation, of the allocation information stored in the system. We are working with the State title I migrant directors to determine what would be the best approach to use in connection with conducting this validation. We have also made arrangements for the ongoing involvement of the State directors. We have every intention of continuing to check this system as we move along.

When the committee originally scheduled its hearings on migrant education, it indicated an interest in our contractor's concern that Federal privacy laws were not being adequately observed in the conduct of this evaluation. We have since visited Little Rock, where the

MSRTS system is located, and we have talked this all the way through with the contractor and the State migrant directors.

We have also determined that from a legal standpoint we can proceed on the basis of the cooperation of the migrant State directors and that we can resolve this issue in a way that is desirable.

A very high percentage of migratory children attend schools serving attendance areas that have been designated for projects under the title I local program. I think that this is an important consideration. It means that such children are receiving double benefits.

They benefit from the special kind of activities that are taking place in the migrant program, and also the kind of benefit that accrues to children who participate in the regular title I programs under that legislation.

Mr. **Ford**. Can I stop you there.

One of the things that I find, when talking to people who are working out in the field as we have been doing recently, the subject always comes up of trying to balance the congressional desire that the funds be targeted—that funds targeted for migrant education be targeted toward migrants.

Those are the problems that are actually creating segregated migrant education programs. When it gets down into the schools, it gets tangled up with the multiple regulations that puzzle particularly smaller school district people about how they select the target population for title I programs.

While there is a correlation in terms of target schools, as we define them in title I, in a place where migrants tend to reside, when they show up at school, it is not a total correlation. When they get down into a small school, it breaks down altogether.

It is more likely to be correct, for example, in the large cities because of the type of housing that they are forced to go to, and so on.

As a consequence of this, it seems that there is almost a competition in some areas between a title I program in the traditional sense, and the additional need for the migrant child.

To what degree have those problems been brought to the attention of your people, and what kind of efforts are you making to resolve them with the people in the field?

Mr. **Wheeler**. Let me start the answer, and then I think Dr. Fairley and Mr. Rivera can, perhaps, add to it.

I think that it is true that some of the migrant children would have—could be considered as having, a double eligibility, which would mean that they would be going to a school where there is a title I program, but where they would also be eligible for the types of activities that are specifically designed for children of migrant families.

Now, it is my impression that there is very little conflict, and almost no competition in that kind of situation because, first of all, there is eligibility for the migrant student, which we are required by law, and which the school district would be required by law to honor.

In other words, that school district, if it is going to receive money for migrant children, will have to design a program specifically intended to take care of the special needs of migrant children.

Mr. **Ford**. Once you say that to a local school person, what do you do to keep them from repeating the mistakes we made with Headstart, of setting up little clusters of segregated kids who are identified in their activities as being different.

As a result of this, we found that in some places, while we were improving skills and some other things, we were reinforcing the idea that the kids were different.

Mr. **Wheeler.** What you have touched on, Mr. Chairman, is a problem that has plagued us throughout our compensatory effort in the schools—where a number of children are eligible, and a number of children are not eligible; how do you provide services that meet the special education needs for the children who are eligible for this additional help from the Federal Government?

It has been my experience that the local school districts handle this fairly well.

It is possible to design a program, which certainly may not succeed completely in keeping the anonymity of the students intact, that is, those students who are participating. At the same time, the school district and the school can take steps so that the identification of the children is not emphasized.

The same problem exists with providing free lunches for children, title I programs, and handicapped programs, and throughout the efforts that the Federal Government participates in, in order to meet some of the needs of that segment of the school population which has special education needs.

I think that while you cannot, of course, get around the fact that these children must be identified, and must participate in special education programs, at the same time it does not necessarily follow that identification in and of itself is an unsavory thing, and that the children have to be segregated in the school activities.

As a matter of fact, we have two prohibitions which, in my judgment, would prevent a school district from doing that, the necessity of the school district to comply with title VI. To receive any funds, the school district may be engaged in desegregation activities, and has been sensitized to the effect of segregating children. They more than likely will take steps to reduce this to no more than a minimum.

Mr. **Ford.** It seems to me that for a long time, since we have been working with this program, I have heard over and over that kind of dilemma articulated by people who are trying to implement the program.

Most recently, I have talked to people who have indicated to me that perhaps guidelines suggest that the best bookkeeping arrangement is to try to have a tiny little title on some activity, so that you can call it a migrant program, and the easiest way to do that is to have a period during the day when all the migrant children will assemble in some spot. Sometimes they call them little homerooms, where they do other things, but this is what happens.

We don't do that with title I children. We did, in the early days, in some places.

I just wonder if this is something that comes to your level, or whether this is something that you have an on-going concern for.

Mr. **Wheeler.** I am not aware of the problem. I think that Mr. Rivera can speak specifically to your concern, Mr. Chairman.

Mr. **Rivera.** Mr. Chairman, the complexity of programs depends on the time of year that the children come in. We have a procedure in identifying specific educational needs of migrant children, and I must agree with you that it does happen.

The steps that we have been taking in coordinating programs, between any on-going programs, be it title I, or title VII, or any other program, have been to assess exactly where the child happens to be, and then provide him with supplemental services.

I must agree with you also, and I think that Dr. Wheeler is cognizant of this, in some instances because of the duration of time the children will be in there, they are separated off.

Fiscally, they must maintain a separate accounting procedure for them, because of the flow of the money from the State agencies rather than directly to the local.

Mr. **Wheeler.** Mr. Chairman, the conduct of our program reviews, in discharging our responsibility to give technical assistance to school districts who operate migrant programs, this problem arose and we responded to it with the kind of advice which we thought would help the situation.

However, I do have to say that the problem of delivery of special services to children who are eligible in a setting where there are non-eligible children, just almost makes it impossible for us to deliver those services without identifying the children.

Dr. Fairley, you may have something else that you would want to add to that.

Mr. **Fairley.** One thing that we did last year was to develop what we call a program support package. This is a set of visual materials and an outline of the presentation and other backup material.

We distributed this to the States. This particular package deals with how we can coordinate the local title I programs with migrant education programs, so that we would have a more coordinated approach at the local level.

Within the last month we had meetings of all of our State title I coordinators to share this package with them. They, in turn, will meet with local migrant and title I coordinators to present this material to them, hopefully to bring about better coordination at the local level.

We do review the migrant programs in all the States and many local school systems. This has not been reported to us as a big problem. We were anticipating what might be a problem as we developed these materials, and hopefully our efforts will bring about more coordination.

Mr. **Ford.** Thank you; you may continue with your statement.

Mr. **Wheeler.** In the written testimony, Mr. Chairman, there are examples of programs, and I think that these programs will indicate, among other things, how a number of them are coordinated; programs that are supported by the Federal Government. We would be glad to supply you with more detailed information, if you would like to have it.

[The information follows:]

Title: California Mini-Corps.
Location: Oroville, Calif.
Description: This program recruits young people with one or more years of college and from a rural-migrant background who would be bilingual and committed to serve migrant children and their families. These students are trained to serve as teacher assistants in California's migrant education program.

Results: This project has done much to make education meaningful to migrant children and their parents. Living in the labor camps, they become the link between the migrant community and the schools. They serve as role models which, hopefully, will be imitated by migrant children.

Cost: $1750/student.

Title: Individual Summer School Experience Project.

Location: Cheyney, Pa.

Description: Tutors, representing college seniors who are planning to enter the field of elementary education, work with black and Puerto-Rican children in small groups not to exceed three. These students are not compensated for their time; experience is their sole gain. The program involves 60 children, ages 7–16 years; the curriculum hinges on the Boehm Test of Basic Concepts which is fundamental to effective reading. Social Studies and mathematics are also taught.

Results: Using the Boehm Test of Basic Concepts, pre- and post-, 95 percent of the children showed some gain in their ability to read. Further, 90 percent of the children showed an increase in self concept according to effective domain tests.

Costs: $387/pupil.

Title: Parent Advisory Council.

Location: Del Rio Public School System, Del Rio, Tex.

Description: This program, initiated by three parents in December, 1973 has mushroomed into a five-parent council with 250 involved parents in less than one year. Operating in a community that is 70 percent Mexican-American, it focuses its efforts on a migrant population that is totally Mexican-American. Using Spanish and English and a plan which divided Del Rio into five areas, the council members meet in each area on a weekly basis. The council's recommendations are then communicated to the school board. The program has produced significant results in the migrant education program which supplements the regular school program.

Results: Since its inception, the council has introduced individualized instruction for grades 1–6, peer-tutor instruction in grades 9–12, self-concept development using the television media, a strong resource library and a cafeteria program that considers the needs of the Mexican-American population.

Cost: $122/parent.

Title: Language arts tutorial program, grades 1–3.

Location: State of Florida.

Description: This effort is Statewide, uses the Criterion Reading Program and is viewed as a top priority by Florida's Migrant Education Program. It provides a supplementary individualized language arts program, grades 1–3, which has as primary goal the entry or re-entry of the migrant child who is deficient in reading into the regular language arts program. The program is directed to both the English and non-English speaking student.

Results: This program operates on a 1:1 basis with the migrant child. The Criterion Reading Program permits rapid identification of a particular deficiency. The above combination produces rapid remediation and a strong self-concept which is brought about by the immediate reward of successful achievement.

Cost: $491/child.

Title: Canyon-Owyhee migrant teen-age program.

Location: Nampa, Idaho.

Description: This project serving 344 migrant children, ages 14–21, provides an evening program for youth who are unable or unwilling to enroll in a day school program. The program offers an informal environment which provides services to teen-agers as their needs require. Many participants are former dropouts, most would attend no school if this facility were not available.

Results: Over 65 percent of the same attendees return year after year. The bilingual/bicultural teaching staff encourage self concept. The project truly achieves the avowed goal of migrant education: removing the migrant child from the migrant stream.

Cost: $84.50/student.

Title: Migrant Student Record Transfer System.

Location: Migrant Student Record Transfer System, Little Rock, Ark.

Description: Providing instant academic and health records for approximately 500,000 children of migratory agricultural workers and migratory fishermen, this system is successfully operating through 137 terminals in 48 States. It also serves as the official Office of Education index for determining the number of migrant children. These confidential records are a part of national effort in migrant education to follow itinerant migrant children quickly and efficiently and decrease the damage produced by an interrupted education.

Results: The system can generate a given migrant child's record in 24 hours or less. It can also produce a profile on any problem that is unique to migrant education and has been entered as data.

Cost: $3.00/child (approximately).

Mr. WHEELER. Turning now to the organization of the Division of Education for the Disadvantaged, in your letter of August 19, you referred specifically to a concern regarding the organizational status of the migrant education program within the Office of Education.

It might be useful for me to describe our current organizational arrangements.

The Division of Education for the Disadvantaged under Dr. Fairley is organized in four branches: Program Services Branch, Program Support Branch, Program Operations Branch, and the Migrant Program Branch.

Dr. Fairley reports to the Associate Commissioner for Compensatory Educational Programs, Dr. John Rodriguez, and Dr. Rodriguez, in turn, reports to me as Deputy Commissioner for School Systems.

The Migrant Program Branch, which has direct responsibility for the title I migrant program, is staffed with nine professional staff members, one program assistant, and two secretaries.

The staff of the Migrant Program Branch devotes all of its time to the administration of the title I migrant program. The staff reviews each State application, negotiates changes which may be required, and recommends the issuance of grant awards.

The staff also conducts annual program reviews of title I migrant programs in the various States, reviews fiscal and statistical reports, and provides technical assistance to State educational agencies.

Mr. Chairman, I don't need to remind you of the complexity of the title I program, and the fact that this appropriation is $1.9 billion for fiscal year 1976.

The new legislative requirements and the new demands for assistance to State and local educational agencies have greatly taxed the limited resources that are currently available for the administration of title I programs.

We have many needs with regard to the administration of the title I programs in order to discharge the heavy responsibility placed upon us so that we can more effectively carry out the congressional intent.

Among those areas that need, perhaps, some more intensive attention are comparability, fiscal accountability, and evaluation of program effectiveness, and also the continued responsibility to provide technical assistance to State and local agencies and the local applicants.

I know that you appreciate fully the special requirements of the migrant program, such as the interstate coordination of programs and the monitoring of the migrant student record transfer system.

For this reason, the size of the title I migrant program staff is already and will continue to be somewhat larger in proportion to the title I allocations involved than the staff that works with local title I programs.

Mr. **Ford**. Let me stop you right there.

When I wrote to Ted Bell, back in August, I thought that I had made it clear what we had discussed during the conference on the legislation; what we have talked about over and over, from the little foot in the door that we got originally as compared to the total title I money.

It does not look like a lot of money. We are getting close to the $100 million mark. If, in fact, the Office of Education was doing the job that we told them to do in this legislation last year, we would be talking about an awful lot more money. We are going to get to this in a little bit, the question of the settled-out migrants.

The information that we have is that over the life of this program, we are in the eighth year, I guess, basically we started with a number of people and we still have them. There has not been much change.

The important difference, when you try to draw a comparison in the number of people at the Federal level to administer title I versus the number of people at the Federal level to administer the migrant section, I don't think that it is a valid kind of a comparison to make because it has always been our intention that there would be far more direction and policy concern at the Federal level with the migrant program than there is with the title I program.

The title I program is a computed distribution directly to local educational agencies. We don't distribute below the State level here with the migrant programs. As a matter of fact, we wanted to be sure that we had some kind of continuing direction, so that we did not abdicate to the States who had chosen to do nothing about the problem in the past or had shown various degrees of reluctance.

I know about this firsthand because my State, which is normally regarded as being progressive in education, is one of those that has pockets of people who refuse to utilize the resources of this program.

So what we are really concerned about is making this a national program because it has no local constituency. The very nature of the identification of somebody as a migrant dictates that they have no local constituency at all. They have to have their advocacy come from the Department.

There is not any way of having the advocacy come from the State level or the local level and be effective.

Mr. **Wheeler**. Mr. Chairman, the need for policy development and policy implementation in the title I program, I would say, is certainly necessary, and certainly challenging.

The policy and guidance in the title I programs, and the allocations, it is true, are made at the Federal level, and the allocations are made by a computer by State, and down to the county level.

The legislation of title I requires that we also set policy which encourages specific kinds of educational programs, which are going to meet the needs of title I participants. That administrative authority is, by statute and by regulation seated at the State level.

Now this particular problem, as you have enunciated, seems to me has a large number of similarities with the title I program. I have not seen a vast difference in the willigness of school districts to design programs for migrant students, when they know that they have a large number of migrant students with defined needs.

The States, it seems to me, also have been extremely cooperative and somewhat aggressive to see that these children are taken care of.

Dr. Rodriguez, do you want to elaborate on that some?

Mr. **Rodriguez.** I think that you have covered it very well.

Mr. **Fairley.** Mr. Chairman, some 5 years ago a task force set up by the Secretary took a good look at all title I programs in the Office of Education. As a result of the task force effort, there was a reorganization in the division, which was called the Division of Compensatory Education at that time.

Whereas the migrant staff, per se, has increased somewhat since that time, many things have been done to provide more services to the migrant education program, by other sections, or other branches in the Division.

For example, the writing and interpretation of regulations providing funding information, resolving audits, providing technical assistance, the preparation of the annual program budget. There are a number of other things being done by units within the Division of Education for the disadvantaged.

I would say that some 24 other people are committed to migrant activities as well as people in each of our regional offices.

We have to look at the people who presently make up that staff, the other people in the Office of Education who are making a contribution to migrant activities.

Mr. **Ford.** I remain to be convinced of Mr. Wheeler's appraisal of the commitment of the States to the migrant education programs being anywhere close to the way he described it. I just don't think that it is there.

I don't think that there is a State legislature in this country that has demonstrated a real concern, and the State legislature, for the most part, dictates what the State department of education will be doing.

Mr. **Wheeler.** I cannot deny that there is a difference, if you come to that conclusion regarding that particular perspective.

There are some States that have enacted compensatory education programs. Largely this has been a response to their recognition of the importance of title I.

I don't know how you can design and implement policy that will force States to attend to this particular problem. On the other hand, I think that we have been conscientious in pointing out the needs. We are aware that the States are responding pretty much in the same way as they respond to any opportunity for Federal support of educational programs that fall in special categories. We point out needs, and use Federal statutory authority to persuade responses.

This is probably the most effective activity that we can become involved in, in order to encourage States to meet those needs. There has been a substantial growth in the migrant program, both in numbers and in the level of participation of children, and also in the number of dollars which have been appropriated.

There are two other points.

Mr. **Ford.** The characteristic of this program, which makes it totally unique, it seems to me, is that there is no other compensatory program that supports the State at the Federal level, and this is without State or local advocacy.

In every State there is somebody worried about the handicapped children. In every State there is some kind of local or State attention to the slow reader, or to the child who is not getting proper nutrition, and to all of the other things with varying degrees of concern, but it is there.

There has developed, quite naturally, in almost every jurisdiction a local concern as to the constitutency. The same thing has not happened and is not likely to happen without outside stimulus for the migrant child.

Let me put it this way. In the several years that I have been concerned with the program, and with its inception, still only a handful of States actively advocate the increase in this program and the support of this program.

We get very little political clout. If you saw the way in which we maneuver to keep this program alive, and what we have to trade to get it, you will find that even among our greatest liberals in the House and the Senate, it is just not a program that turns a lot of people on because there is not anybody out there with voting power.

Mr. WHEELER. Mr. Chairman, I can assure you that—first of all, you mention the fact that the number of people in the migrant program is about the same as it was several years ago. I guess that this is true. There has not been any great increase in the number of persons being served.

At the same time, the entire personnel situation in the Office of Education has similarities and conditions which are particularly true of the Bureau of School Systems where, because of fiscal stringencies, we have found ourselves with additional responsibilities and with fewer staff with which to take care of those responsibilities.

In the meantime you should know that there are 24 program specialists in the Division of Education for the Disadvantaged and also 10 program specialists in the regional office which also contribute services which Dr. Fairley described previously for the migrant program.

Mr. FORD. Mr. Dent has some questions.

Mr. DENT. Thank you, Mr. Chairman.

I am very much disturbed over the education of the children of migratory workers. Since my committee handles the wage problem for them under the minimum wage law, we learn a great deal about the educational inadequacies as we go around the country with our public hearings.

I am disturbed because migrant children are dependent on title I money under the disadvantaged children's programs. It almost gives the impression that migratory workers are disadvantaged in much the same way as the handicapped children and others who come under the disadvantaged programs, whereas the only handicap they may have is the question of educational deprivation.

I know that in our State, where the major part of the money comes from the local real estate, they are not too happy about having the migrants attend their schools because of the terrific problems.

They have to get an allocation of money from the State, which, first of all, has little or no head-count capabilities. Also there is an antagonism toward taking money out from the disadvantaged program appropriation moneys to put into migratory funds, or to see that the migratory children get their funds.

Therefore, when it follows down to the local districts, there is little or nothing done. They don't even consider it as part of their responsibility to get them into the school closest to where they are working.

Why don't we get a recommendation based upon sound examination of the problem, to separate the migratory children into their own category in order that they are not treated as abnormal, or subnormal, or some kind of a classification, by putting them under the disadvantaged.

They are not disadvantaged in anything except the opportunity for education. That is all your responsibility.

My opinion is that we should give them the best opportunity that you can give them for an educational opportunity to learn as any normal child, attending any normal school.

I think that if we could get some action on that point, we would start to be moving like we are moving under the minimum wage, just consider them as employees, and wiping out that sort of a term of "migrant workers."

They are considered by many to be an uneducated category of people, just drifters and floaters. Most of them are considered not to care if their children get educated or not.

This might have been true a couple of generations ago, but I think that right now the parents of these children are just as eager to give their children as many advantages as possible, educationally.

They might be considered disadvantaged because they had so many years that they were not taken care of. But, actually, I think that they ought to flow into the general school body without being designated with a badge on their lapel, saying: "I am a migratory child," or something like that.

The States are probably more guilty, as the chairman has already stated, than the Federal Government where we have tried to do something, but they are not following it up. They are not giving them the same type of consideration that they give all the normal kids that are looking for an education.

Sometimes, I think that the whole business of migratory workers ought to be considered under a separate law, their education and their work program.

I have tried to put into the chairman's hands the minimum wage for migratory workers so that is could be treated as a complete problem, their education, their housing, their rights, all rights, their wages, and so forth.

I feel you should address yourself to the possibility of such a study, and the possibility of such a move. Do you think that it would be better that way, or best left where it is?

Mr. WHEELER. Let me respond this way, Mr. Dent. The term "disadvantaged" has different connotations when it is considered by different people. We have struggled with this, but we have—we cannot escape the need to designate this particular segment of the school population as something or other.

We have to use some term to describe this segment of the American school children who, I guess, would number about one-third of the school population.

Mr. Dent. Did you say one-third?

Mr. Wheeler. Yes, one-third are eligible.

Mr. Dent. Are they considered deserving, disabled, or disadvantaged?

What has happened is that we have not discharged our responsibility to this group, which is composed largely of minority children, children in poor economic circumstances, and that the school systems have not responded to the special need that these children have.

Isn't it true that when you talk about that phase of it, you are talking about urban standards and not the rural standards. Because in the rural standards, I don't remember any time when the state, the economic state, had anything to do with the kind of schooling that was given to you in a rural area, because all the children of school age all went to the same school.

Now when you had those who had a physical disadvantage of some kind, we had absolutely nothing for them. This is what we started out to do under the disadvantaged school children program.

We have expanded it now to include someone who does not have the language capabilities, who might belong to the third or fourth generation Spanish, or something.

At home they still only speak Spanish. Now we are prepared to call them a disadvantaged child, in a sense, because we have created another burden on the taxpayers with the so-called bilingual schools. It is becoming bigger, and maybe bigger than we can swallow pretty soon. We had to put in a class because they claimed that they are bilingually disadvantaged.

These are the things that we have to settle. I think that the educational community is not doing its job in trying to analyze what is "disadvantaged". Now we have a bilingual class, and we have its cost set aside. We have a migratory program, and its costs should be set aside so that you know how much money you have to work with, not depending on your count as opposed to the count made by somebody else. I think that you are not getting your share out of the disadvantaged funds, which you ought to have.

Mr. Wheeler. I think that we are doing the best that we possibly can, under these circumstances.

Mr. Dent. I did not ask that question.

Mr. Wheeler. I have no way of answering that.

The information that we have is the best possible information that we can get. Now, whether or not it will be an increase, which I suspect that it will be, as a result of the M.S.R.T.S. count, there will have to be a determination made after we have made a much more comprehensive, much more intensive examination of the count of the children who are out there.

We are fairly secure that we are carrying out the mandate of the legislation which says that the Commissioner must use the best possible available data, and we are conscientiously pursuing that direction.

Mr. Dent. Who gives you your data?

Mr. **Wheeler.** The data is collected by computer system, and it comes from the States and, in turn, it is collected from the local school agencies.

Mr. **Dent.** Have you found any discrepancies in what your field men find to be the number in any given community that you consider ought to come under the Migratory Act, or that portion of title I dealing with the Migratory Act?

Do you find that it is a rather accurate number count, head count?

Mr. **Wheeler.** We have found that it is rather accurate. We have checked the information all the way back to the local school district, and the only anxiety that we have at this time is that the check has not been comprehensive enough. The check has not included enough of the children.

Mr. **Dent.** That is the point that I am driving at.

Mr. **Wheeler.** We are just beginning to use this system in fiscal year 1975, and we have plans for a very intensive, very comprehensive study that will give us information so that we have more security in the count.

Mr. **Dent.** We have the so-called disadvantaged children. They are disadvantaged and selected from the normal school population, set aside into a category of disadvantaged.

In your migratory count, are there disadvantaged as we consider disadvantaged to be in the normal schoolchildren, or do you separate them?

Mr. **Wheeler.** If I understand your question, Mr. Dent——

Mr. **Dent.** Disadvantaged other than being a migratory worker.

Mr. **Wheeler.** If you will, I will let Dr. Fairley answer.

Mr. **Fairley.** Mr. Dent, I think that in the amendments of 1974, Congress sort of defined the disadvantaged child as one who is one or more grade levels behind. So we kind of think of the disadvantaged child as one who is not achieving at his grade level, and any migrant kid would fit that category. They are not doing as well as their peers.

Mr. **Dent.** Is that because they have a disadvantage other than being migratory?

Mr. **Fairley.** Yes.

Mr. **Dent.** Then you would put them under the other programs and not in the migratory programs.

Mr. **Fairley.** They might be in both programs.

Mr. **Dent.** How do you count them?

Mr. **Fairley.** They would be counted as migrants for purposes of the migrant allocation.

Mr. **Dent.** The question of migratory worker ought to be based upon all migratory children, and not otherwise disadvantaged, so that the funds come under the disadvantaged program for disadvantaged children no matter where they may rest.

So, you don't say this child is disadvantaged because he happens to be a migratory worker. He may only have that disadvantage. He is one that we would hope you would be able to put in the normal stream of children going to school, rather than in the disadvantaged program with the connotation of having something wrong with you, other than missing some schooling, or not having a chance.

Mr. **Alford.** If I may comment. I think that this is a program that is based both under the title I and the migratory program. The distribution of funds under title I, generally, is based on the poverty factor. This assumes a high correlation between the disadvantaged and poverty.

We know that under the title I programs, for example, the group for which we pay money to the local education agencies includes children who are poor by the current definition, but many of them are not disadvantaged in the sense that you are thinking of it. They can perform in a regular classroom and do so.

Therefore, we gave the authority to the local educational agencies to set up, in effect, their own determinations of what will be disadvantaged in the target school areas. The children that they select for these programs have no relationship, necessarily, to the children on which the money is paid.

I know that there is a high correlation in the case of migratory children. You have a little different situation there, you are paying money on the basis of children in the program. They are the ones in the record system now, under the new count. They are children who have already been identified as being migratory children of migratory agricultural workers, and included in those, I am sure, are children who just need to get in a classroom and they can perform, perhaps, without extra performances.

However, I would call your attention to the House report in relation to H.R. 69, which would bear out the proposition that there are probably as many disadvantaged children among this group as you would find in the basic title I programs.

On page 22, Mr. Chairman, if we might refer to that, the committee report indicates that: "By extending the authorization for the migratory program, the committee wishes to reemphasize the need for a national program for the education of migrant children. These children are often being called the most educationally deprived children in America."

As the National Council on the Education of Disadvantaged Children states:

> The migrant child is constantly moving. He has no continuity in his educational life, in general. He is in the largest group of non-English speaking children under the Title I program. He is out of the main stream of any stable society, and has few bases for security. His parents are in the fields all day, and in the formative years or after, he is either there working with them, or at home baby-sitting with younger children.
>
> In February 1972, a report to the Congress on migrant education, by the General Accounting Office stated that its analysis showed that: (1) in reading, mathematics and language skills, migrant children were not achieving at the grade levels in which they were enrolled, and that in those skills they were below those of other students in their classes;
>
> (2) educational deficiencies usually became greater as the student moved into higher grades."

Then they go into the Spanish-speaking parent, and so forth.

All of this indicates that the disadvantaged situation, as far as the migrant children are concerned, is every bit as heavy, if not heavier, than the normal title I population. That is why I cannot really distinguish the fact that this program would necessarily be handled in a far different way than the title I programs.

Mr. Dent. Would you consider the wave of immigrants who came to this country, from 1890 to 1910, and all of their children as disadvantaged because they had a language barrier, a language problem?

Mr. Alford. No; I would not.

Mr. Dent. Why?

Mr. Alford. There are many reasons on which we could spend considerable time examining.

One thing is that the parents, in these cases, wanted their children pushed into the schools. They were willing to go through, sometimes, traumatic experiences, of getting rough exposure to the learning of English.

They also tended to mix the children earlier with English-speaking children, and children are very adaptable, at a very early age. If you are playing with English-speaking children, you pick it up very quickly as a child.

What we have now in this country is a very different situation in many areas.

Mr. Dent. Why?

Mr. Alford. Because the cultures feed on each other. If you take a Spanish-speaking culture in the Southwest, the children except for the period that they may be in school where they are forced to use English, speak Spanish at home.

They listen to Spanish radio, and Spanish television. If nothing else, they come across the border from Mexico, these are even stations in the United States. They can read Spanish books and Spanish newspapers. They really never have to assimilate in those kinds of situations.

Mr. Dent. Do you think that we are going to increase the assimilation of this particular family type, when we have fourth or fifth generation of families in the United States whose children are considered disadvantaged on language, and we are spending money to teach them English.

Mr. Alford. We don't necessarily define them as disadvantaged in the normal sense. In some cases, this is merely a problem of adapting the system in the school for the teaching of English, bilingual educational programs, which allows the children to learn English in the early stages. Then they gradually move in the use of English.

Mr. Dent. That is good, but some of us were not allowed to try to learn Italian.

All the mothers and fathers said: "You speak English because this is what I want to speak." My father had a saying, which is as true today as it was then: "You speak the language that you think in."

The Spanish families always speak Spanish at home. What you are doing today will be repeated the next generation, and the next generation.

They have had the generations in which they have had free schools, which have offered bilingual education after grammar school. We learned different languages as we went into high school.

We are teaching them to think in the language of their parents, and that is not what you are supposed to do. You are supposed to teach them to think in the language of the country.

Most of our parents learned to read and write, and they did not go to night school because we did not have any. I grew up in as much of a rural area as any Spanish kid of migrant parents, because we were almost migrants ourselves. The coal mines would shut down twice a year, as you well know.

So, I am very much disturbed about taking migratory children and giving them bilingual education. I want to improve their economic situation, and you can only improve that by getting them into the mainstream of English-speaking and English-thinking people.

This is my point, and I am sorry to interrupt in this presentation of the particular program.

Mr. WHEELER. I think that we should not include the ethnic membership with the language disability, and its association as an impediment to educational advancement. There is nothing in the regulations, in our programs or the program for the disadvantaged, which would require that children who belong to various ethnic groups would have to be taught in the language of that group.

Mr. DENT. Not in your programs, but in the educational programs there is.

Mr. WHEELER. There was a Supreme Court decision that said that where there was a language disability, the school district has the responsibility to improve that language disability, so that the child would not be hampered in his educational progress because he cannot speak the language in which the subjects are taught. This is what the school districts are beginning to rectify.

Mr. DENT. It is probably a lost cause, but I cannot understand why my 14-year-old brother, and my 17-year-old sister, not knowing one word of English, were able to go on and have a higher education.

They had to learn from scratch, and they had a hell of a lot more disadvantage at that age than I had in starting school, being from an Italian family in a coal town, I guarantee you.

Unless we emphasize that, you will have a permanent job on your hands, all of you.

Mr. ALFORD. I would say, Mr. Dent, if that is a good and viable bilingual program, it will teach them to speak English.

Mr. DENT. How many college graduates do you know, who have gone all the way without speaking English, without bilingual schools, and who speak nothing but Spanish in their homes?

Mr. ALFORD. You can do it other ways. Bilingual education is one technique of doing this.

Mr. DENT. It is one to perpetuate the language.

The numbers are growing, and the appropriation is now reaching tremendous heights. And all of that money comes out of what you need for the children under the normal programs.

I am very serious about this, and it doesn't belong here except that it does affect migrant children very much, probably more so than any other single group.

I am told that one-third of the children in this country are disadvantaged. One total of that one-third are migrant children; are there any studies made on that point?

We ought to know, so that we know what we are talking about. How many of that one-third are alien parents, noncitizen parents?

Mr. **Wheeler**. Mr. Rivera has some figures about the number of children participating in the program now.

Mr. **Dent**. The number of children participating in the program is not the accurate number, because you, yourself, admitted you have no real figures.

Mr. **Wheeler**. The best answer we can give you is the answer that will relate to the children participating in the program now. Otherwise, we will have to wait on the results of the studies that we are beginning.

Mr. **Dent**. You will make that available to the committee.

Mr. **Wheeler**. Mr. Rivera, would you speak to that question?

Mr. Rivera speaks Spanish, and he may have some comments to make.

Mr. **Rivera**. Mr. Dent, as Mr. Wheeler has explained, the total number of migratory children, the universe of the migratory children is really not known. I can give you the total number of children that we have served in the programs as of the 7th of November, to be precise.

We have the data base of 706,584 children that we have served. Currently, we are serving about 450,000 within the last 12-month period. The active participants are 450,000 right now.

As far as the universe of migrant children is concerned, we don't know how to come about those figures.

Mr. **Dent**. Will you separate them when you make your study? It would be helpful to the committee if you would separate them as to States, the number in each State, so that we can really see where the problem really is.

Mr. **Wheeler**. Yes.

Mr. **Dent**. It might be related to the language problem more than anything else, in some areas.

Mr. **Wheeler**. In the meantime, before we give you that breakdown by State, we have here some figures which lists the number of children participating in the migrant program from 1970 up to 1975. We can submit this for the record, if you care.

Mr. **Dent**. Is that the number per year, or the total?

Mr. **Wheeler**. It is the total participating in each year.

Mr. **Dent**. Good.

Mr. **Wheeler**. I have just been informed——

Mr. **Dent**. That would include the migrants and the former migrants?

Mr. **Ford**. The former migrants have not been counted, yet.

Mr. **Alford**. Only in the event that they are in the transfer system.

[The information referred to follows:]

The FTE used for the FY 1975 title I, ESEA Migratory Program Authorization.

States:	*Regular FTE*
50 States, D.C., and Puerto Rico	217, 041
Alabama	1, 137
Alaska	00
Arizona	5, 620
Arkansas	4, 240
California	42, 462
Colorado	2, 782
Connecticut	1, 778
Delaware	287
Florida	32, [illegible]06
Georgia	2, 041
Hawaii	00
Idaho	4, 999
Illinois	1, 196
Indiana	1, 744
Iowa	160
Kansas	1, 098
Kentucky	315
Louisiana	947
Maine	819
Maryland	370
Massachusetts	2, 524
Michigan	7, 559
Minnesota	1, 014
Mississippi	3, 289
Missouri	2, 020
Montana	542
Nebraska	422
Nevada	92
New Hampshire	00
New Jersey	2, 478
New Mexico	3, 868
New York	2, 935
North Carolina	5, 097
North Dakota	633
Ohio	2, 542
Oklahoma	1, 911
Oregon	3, 970
Pennsylvania	642
Rhode Island	00
South Carolina	670
South Dakota	22
Tennessee	370
Texas	50, 138
Utah	280
Vermont	54
Virginia	561
Washington	7, 937
West Virginia	104
Wisconsin	1,290
Wyoming	406
District of Columbia	00
Puerto Rico	9, 570
American Samoa	
Canal Zone	
Guam	
Virgin Islands	

Mr. FORD. I would like to get to the question of the former migrants. I note, for the record, that Mr. Meeds has been here for some time. He is one of the people who helped to write the program originally and has been a steadfast supporter throughout all of its life.

Relative to the point where Mr. Dent ended up, I think that this whole exchange here illustrates one of the problems that we have with migrant programs, in that the people tend to identify the migrant with no particular language characteristics.

As a matter of fact, it depends upon which stream you are talking about, and they are changing recently, we found, rather rapidly.

The Spanish speaking migrant from the Southwest did not show up in southeastern States very much until the last couple of years, and then there was a sudden influx. There are a number of reasons for that. So they are going to have to look at the problem a little differently than they have.

When you talk about the percentages, and when you talk about languages, in Michigan, we had about 36,000 children identified by local schools, and cranked into the State office, who had learning difficulties associated with the fact that English was not the language spoken in the home.

Out of that 35,000 or 36,000, only a very small part would have been attributable to the statistics of migrant children. That number encompassed 41 languages.

No. 1, in Michigan, was Spanish; No. 2 was five or six different dialects of Arabic; then it goes down. The city of Detroit has about or did have, all 41 language categories that they were working on.

If you went to a State like California and tried to identify the children who were having problems because of Spanish, or sort of a mixture of English and Spanish and local colloquialisms and idioms, you cannot start training somebody in Spanish, when Spanish is not the language that they were speaking before these programs were available to them.

My hunch is that in California you would find that the true migrant child represents the minority of the children with language problems, and you would probably find the same thing in south Texas.

When you move up to Maine, it is a different language. The language problems are there. People have settled in communities and have stayed there. That is, to a large extent, what we have in the large cities as well.

The amendments of 1974 contemplated that we would change from the optional consideration, literally optional considerations, of the migrants in the process of settling out, to a mandatory requirement that the school district that identified a child as a migrant child would continue to receive funding for that child for up to 5 years, up to but not necessarily 5 years. It would depend upon the evaluation of whether the child still was in a category needing special assistance.

I am sure that you have all seen the GAO report, the evaluation of the migrant student record transfer system, dated October 16, which was prepared in response to Congressman Quie, the ranking Republican on this committee.

In the process of analyzing the efficiency and efficacy of this system, this is how we got into the question of the formerly migratory children, we discovered that for all intents and purposes nothing really has been done to count them in fiscal 1975.

Now, admittedly it was late when things got cranked up. We did a little bit of work to follow up on that in just a matter of a few days with staff members in our office making some phone calls together with what we found in our field investigation and discovered that back in the fall of 1974, the Office of Education asked the States to perform a survey of how many of these students "do you think you have."

We checked in the last few days with California, Colorado, Michigan, Mexico, New York, Texas, and discovered that they believe that they know accurately, or reasonably accurately, how many of these children they have for fiscal 1975.

The last time that anybody from the Office of Education asked them was in the fall of 1974. We checked with the Migrant Record Center, and we were informed down there, that since they operate on a calendar-year basis, after your inquiry, the information was generated in something less than 3 weeks.

So, they came up in their computer with a very low figure. The differential is something between 45,000 and a more accurate estimate of 275,000.

So it seems to me that we are losing a good deal of money and resources this year that could be there if the Office of Education was more aggressively trying to carry out our intent of getting these children cranked into the program forthwith.

The really important aspect of that is that we really felt that this was going to be an additional very practical incentive for the local school districts that had been slow or reluctant in identifying and reporting the migrant children and developing programs for them because the amount of money involved, in some cases, seemed to be relatively small and not worth the effort.

By increasing the constituency, we thought that we were going to increase the self-interest of local and State administrators.

What are we doing right now to correct this situation?

Mr. Wheeler. I think that Dr. Rodriguez or Mr. Rivera can answer that in some detail, Mr. Chairman.

The problem arises out of the fact that we had no count of 5-year-provision children in 1973, the year used for the count for funding, in 1975.

In light that there were no alternative sources for the data at that time, we did not consider them.

Mr. Ford. Let us back off a little bit.

What was the law's requirement before we changed the law in 1974? We had in the orginal statute "consideration." We never funded but because they were not funded, does it mean that the Office of Education did not do anything about gathering the information in case we funded them? How could we have funded them?

Mr. Alford. There was no provision in the law that funding would follow. They had to take it out of the normal allocation.

Mr. Rodriguez. They were permitted by statute to participate in migrant education programs, but as far as being a part of the subsystem of migrant student record transfer system, which is used for allocation purposes, they were not included in that subsystem. They were included as——

Mr. Ford. The migrant student record transfer system was not used for allocation.

Mr. Rodriguez. They were part of the migrant student record transfer system as far as, or to the degree that they did participate in migrant projects.

Now, when we made the recommendation to the Commissioner for the allocation of funds for fiscal year 1975, and to establish a policy with regard to the 5-year-provision students, we did so after review of the Congressional Record, after meeting with the House staff and the Senate Staff, and trying to determine what the intent of the law was.

We find, in the Congressional Record of July 31, cautions by Mr. Perkins with regard to the implementation of MSRTS. He recommends that there be a transition over time. Mr. Quie provides some caution with regard to the inclusion of the 5-year-provision kids because of the escalation that it may cause in the total count and, therefore, have an adverse effect on LEA programs.

Mr. Steiger also had caution with regard to the 5-year-provision students.

We had, as Dr. Wheeler pointed out——

Mr. Meeds. I am underwhelmed by your testimony.

Mr. Ford. They used the people who lost the vote in determining what we intended. They raised all those cautions, and we out voted them.

Mr. Rodriguez. We had no other evidence to guide us in making the recommendations to the Commissioner.

Mr. Ford. You had the clear language of the statute. It was a hard and long fight, and we traded everything but our undershorts to get it in.

Now you are telling us that the people who lost have succeeded in getting what they wanted without having the votes.

Mr. Rodriguez. We understood what the statute told us.

Mr. Ford. There might be a nicer way to say that, but I am not one to say use a nicer way, when something that we have worked so hard——

Mr. Meeds. Will the chairman yield so that I can find out the date of the Congressional Record to which the gentleman is making reference.

Mr. Rodriguez. July 31. It is on the conference report.

Mr. Meeds. Do you have an extra copy of it so that I can look at it also?

Mr. Rodriguez. I only have one copy.

We understood what the requirement of the law was, we thought. We do use statistics from a system which is MSRTS, which is the system that most accurately reflects the actual number of students.

There was no system that reflected the count of 5-year-provision youngsters. As you stated earlier, Mr. Chairman, there was a survey done to try to get an estimate of what kind of population we are talking about the 5-year-provision kid, in order to project the policy which would best reflect the intent of the Congress, which we thought we were operating under, which would not detract, in a drastic way, from the LEA grant program, which we thought was a caution that we had received from the Congress.

So what we came up with was that we will count all 5-year-provision kids as they were enrolled in the system. As it turned out, funding for fiscal year 1975 was on the basis of calendar year 1973.

So any 5-year-provision student who was in that system in 1973 would be counted. For the past year funding, we used calendar year 1974 data, I think that there were approximately 10,000 FTE in that 1974 data that were 5-year-provision youngsters.

Now how many actual youngsters that computed to be, I could not tell you. We have no way of going back and extrapolating the actual count.

Our recommendation to the Commission for the use of MSRTS considered these cautions, which we thought we understood were the direction of the Congress to include the 5-year-provision youngster, to bring them into the system as rapidly as possible, and to continue to emphasize with the States that these youngsters were to be served as required by the statute, and they would be funded as they were included in the system.

Mr. Wheeler. Mr. Chairman, Mr. Rivera had some part in the telephone survey that you referred to. Perhaps he can shed some light on that and how we produced these estimates.

Mr. Rivera. This request was made, Mr. Chairman, to find out how many of these kids, migratory children, there might be in the State.

If I am not mistaken, it was in August of 1974 when we conducted this survey, but that is indicated in the GAO report. The information that we collected there was—we canvassed, I would say, three-quarters of the States, the largest States: Florida, California, Texas, and so forth.

We felt that the information, which was on the spur of the moment, was conservative. We felt, again, that there was no way of validating the data other than: "How many do you believe you have?"

This is about all I can add to it. That information was requested by the GAO, and we did submit to them that data, which was received by telephone.

Mr. Ford. Looking at the September 16 report, on page 16, under conclusions:

> We should have included the number of known migratory fishermen in the funding base for fiscal year 1975 allocation, but we did not have accurate and complete estimates for these children. We believe that the available estimates were conservative. Including estimates of these children in the fiscal year 1975 allocation base would have provided a greater insurance that the legislative intent was carried out.

Now you are telling me that you have drawn another legislative intent than this report indicates that they drew in examining the program.

What puzzles me is that conservative examiners here have, from my point of view, a more liberal interpretation of the legislation, from the point of view of the migrant child, than those of you who are supposed to be the advocates and administrators of the program for the migrant child.

Mr. Rodriguez. We had no way of being assured that the data presented was in fact conservative.

Mr. Ford. Let me tell you that during the long, hot argument there were assertions coming from some places around us that we would be adding 500,000 children, and this would break the bank.

Now what we are told today is that the biggest estimate that we have been able to come up with is 275,000, so we are still below what was estimated by the Members of Congress who were making those decisions. Both Houses accepted the decision, and 500,000 was contemplated but it did not deter us from doing this, to believe that there might be 500,000 children to add in this category and, therefore, some diminution of the total monies going to the LEA's.

I am sure that if the Congress was willing to accept 500,000, it would not be shocked if we picked up only 275,000.

Clearly there is another problem involved, and what we are really talking about is dollars, because we have a hold-harmless provision. As a matter of fact, of all my LEA's are receiving their monies this year on the basis of the hold-harmless rather than on the basis of the actual counts. Because of the way that the new formula worked in Michigan, they are going to get the money with the hold-harmless anyhow. So, where would we be taking the money from?

Mr. Rodriguez. From those LEA's that were above the hold-harmless level, obviously.

There was also a hold-harmless with regard to the migrant programs, and it was because of section 125——

Mr. Meeds. Who decided that it was not wise or good, or our intent to go ahead and take that money from the others, and put it into the migrant program?

Where was this decision made? Was it made in your shop, or did OMB tell you to do it that way?

Mr. Wheeler. That was not an issue in our consideration, Mr. Chairman. That is not the reason that we are where we are with respect to accurately counting the children.

There is also a very straightforward mandate that the Commissioner use the best data in order to fund not only the 5-year-provision children, but the migratory children. Given the consideration that we had the hold-harmless provision, it seemed to us that we needed to be as careful as possible, particularly since the hold-harmless condition was going to operate, and that the LEA's would be given the moneys anyway.

This, then, would give us time to make the count that we needed in order to make the allocations on a more accurate basis.

Now, our responsibility, and one that we cannot abdicate, is the responsibility for the accountability as to how these moneys are distributed.

We had at the outset, an extremely distorted figure based only on the telephone survey, coming from the States. It was our impression that the States did not consider these estimates to be accurate. We would not then be discharging the Commissioner's responsibility to allocate these moneys in the way that the Congress intends them to be allocated.

This was the feature of the decision that was most salient, our concern of taking it away from some other segment of the migrant program.

Mr. Ford. Who made this decision? At what level is this decision made?

Mr. Wheeler. If I remember the statute, when I say we, I am referring to the Office of Education, particularly the Commissioner of Education, who is charged with the responsibility for making the allocation by the act itself.

Mr. Alford. Mr. Chairman, I don't know if the true intent of Congress answers something that we are not necessarily exposed to. I cannot imagine that you would have ever approved the use of a telephone survey for the distribution of funds.

Mr. Ford. No; but I cannot imagine that you would have made a telephone survery a year ago and never have sent a piece of paper to confirm it since.

We had no difficulties finding out from the State administrators that they do, in fact, have the data, and some of them tell me that they have been keeping it for a couple of years.

In California, Leo Lopez tells us that they are working on an estimate of 26,500, and they think that they have 64,500 former migrant children. The information that he had from the Office of Education was that the Office of Education was not anxious to have the updated figures, because they were afraid that this was going to take away from the other programs.

Mr. Alford. The figure was in the telephone survey, the 64,500.

Mr. **Ford**. These people tell us that you have done nothing to update the information.

We often say to the Executive Branch, "use the best available data." The whole of title I hangs on that kind of an admonition. We have had to constantly, and this is not the first time, from the beginning of title I go after them.

We had great reluctance to crank in the AFDC, and we later put it in the title I, and used updated data for that. So this is no new kind of reluctance we have run into.

How can you say that you are carrying out the congressional intent, when a whole year has past since you made what you, yourself—and I am not characterizing it—called an inadequate survey by telephone. You say that it is not reliable.

What have you done to make any kind of a survey that you would classify as reliable in the past year?

Mr. **Wheeler**. Mr. Rivera will explain our activities in order to comply.

Mr. **Rivera**. Mr. Chairman, right after—I am trying to find the memorandum in order to get as much reliable data as possible, a directive was issued to all the State coordinators right after—the fiscal 1975 allocation had to come at the time, and we wanted to make some corrections for 1976 allocations, which was calendar year data based on 1974 statistics.

What we did, there was a memorandum sent out giving the State coordinators specific information as to how to include any former migratory children into the record system.

This information came in for the fiscal year 1976 allocation determination as much as had been found at that time.

Mr. **Ford**. These directors are telling us this past week that they have not been asked by you, since October 1974, to tell them anything more than what they told you on the telephone about the number of migratory children.

So what is the basis of the figure that you are going to come up with for this fiscal year?

Mr. **Rivera**. We have had, as well as the memorandum that we sent out, another memorandum, dated March 14, 1975, for inclusion of the 5-year provision children under the MSRTS, the migrant student record transfer system, to be coded into the record transfer system, and they have received those instructions.

They were told to go ahead and start enrolling those children that they had identified as 5-year provision children.

Mr. **Rodriquez**. They were told to enroll the children identified in 1974. The directors were present at a meeting where they were so directed.

Mr. **Ford**. Do you think that this year it will include that?

Mr. **Rivera**. When the computer run is made this year for fiscal year 1977, all those that have been enrolled up to that point will be included.

Mr. **Ford**. This will be the allocation for fiscal year 1977?

Mr. **Rivera**. That is correct.

Mr. **Wheeler**. Which will be next July.

Mr. **Rivera**. The data accrued by this calendar year that we are in currently, the year 1975, will form the basis for the fiscal year 1977 allocation.

Mr. Rodriguez. It is only a 6-month delay.

Mr. Ford. Mr. Meeds.

Mr. Meeds. I am sorry. I was otherwise distracted trying to find on what you base your decision not to count these children.

Do I understand that the effect of what you are doing will be to count formerly migrant children, who were initially counted in your statistics as migrant children, and them only?

Mr. Rivera. No, sir, they will be counted as a separate category.

Mr. Meeds. What do you intend in the future—let us assume, for the sake of argument, that you totally disregarded the will of Congress so far, how do you intend to count formerly migrant children in the future?

Mr. Rivera. They are counted on a residency basis.

Mr. Meeds. Where do you get those statistics?

Mr. Rivera. They are submitted to the migrant student transfer system, to the State terminals, and they are maintained in that system. They are verified.

Mr. Meeds. They are submitted by the local agencies just like the migrant children are submitted?

Mr. Rivera. That is correct.

Mr. Meeds. If they were put into the system as formerly migrant children in 1974, why didn't you have provisions for them? Why didn't you make allocations on that basis?

Mr. Rodriguez. Prior to the enactment of the law, the instructions to the States were not to include them in their system.

The law was enacted in August 1974, and as soon as we formulated our policy, there was a national meeting held in Silver Spring where we instructed all State directors to begin including all of the 5-year-provision students in the system.

Mr. Meeds. What date was that?

Mr. Rodriguez. It was the 4th or the 5th of December 1974.

Mr. Meeds. You feel that your system is now picking up the formerly migrant students up to 5 years.

Mr. Rodriguez. Yes, sir.

Mr. Meeds. The GAO report is critical that you did not include them for the funding base for the fiscal year 1975.

Mr. Rodriguez. Yes, sir.

Mr. Meeds. What efforts were made, other than this one effort that Mr. Ford talked about, to get some kind of an accurate count of those children, so that the will of Congress could have been carried out?

Mr. Rodriguez. The problem was in moving into a new system, such as the migrant student record transfer system, one had to begin using a single data base.

Mr. Meeds. Did the law say that one had to start using a single data base?

Mr. Rodriguez. The law said that we had to start using a system, and we had no system prior to that time. So we use statistics from a system, if there is one that is better than the migrant student record transfer system, the law would require us to use it.

It did not appear to us that we had a system for counting the 5-year-provision youngsters, and that the most rapid and expeditious and equitable way to do it was to get them into the MSRTS as soon as possible, and begin to accrue full-time equivalent data, so that they could be used for allocation purposes.

Mr. **Meeds.** You only disregarded the will of the Congress for 1 year.

Mr. **Rodriguez.** We did not believe that we were disregarding the will of the Congress.

Mr. **Meeds.** Didn't you read the language in the statute?

Mr. **Rodriguez.** Yes, sir.

Mr. **Meeds.** Doesn't it say that they shall be deemed to be continued as such a child for a period of 5 years?

Mr. **Rodriguez.** Yes, sir.

Mr. **Meeds.** What did you think that meant?

Mr. **Rodriguez.** That they were to be counted for allocation purposes. The problem was, how to count them.

Mr. **Ford.** You had another problem with all these cautions.

Mr. **Alford.** It is a very complicated problem to get verified data.

Mr. **Meeds.** I understand that. What I am trying to bring out with my questioning here is that you did not do very much to try and make that determination.

Mr. **Alford.** I think that the decision was made to use the record transfer system, and as these children were placed, this would become the basis for the distribution.

Mr. **Meeds.** One year after the Congress told you to do it.

Mr. **Alford.** Remember that this hit in fiscal year 1975, and the law was not passed until the year had passed.

Mr. **Meeds.** At any time, did you in writing or in any other way, indicate to the Members of Congress that you would be unable to comply with their desire for 1 year?

Mr. **Alford.** We had some correspondence on it, but I don't remember when it occurred.

Mr. **Meeds.** Can you say now whether you informed the Congress in any way of your inability to arrive at a data base for these people?

Mr. **Alford.** I cannot recall any. We had meetings with the committee staff on how we could implement this new law. The question was discussed with them.

Mr. **Meeds.** Do you remember who on the committee staff was present?

Mr. **Rodriguez.** Mr. Cross, Mr. Jennings——

Mr. **Alford.** Let me say, Mr. Meeds, that we would not take that for the basis of our determination, nor would we feel that this was an adequate notification of Congress that we could not do it.

We did discuss it with them, but I think that the question was whether we had formally notified you.

Mr. **Meeds.** I would appreciate anything in writing that you can find on this.

Mr. **Alford.** I will search the records, and see what we can find.

Mr. **Meeds.** I wish that you would indicate to me what instances in the Congressional Record, to which you referred, gave you the impression that Congress was, indeed, not serious in counting and providing for these former migrant children.

I have searched the record. You have made a reference to Mr. Perkins' statement on page 7395, Mr. Quie's on page 7400, and Mr. Steiger's on 7407. I have found those, but I have found nothing else on this issue.

No where in these instances do I conclude what you said. Can you tell me what language specifically you depend upon to draw that conclusion?

Mr. **Alford.** You said, provide. I don't think that the language said "not provide," but the indication of caution when we developed this system was that it not be done haphazardly.

Mr. **Meeds.** Isn't that a different subject than what we are talking about?

Mr. **Alford.** The concern here, and as I heard the committee say it, is that we have not included enough of the 5-year children. There are some 5-year children in these figures, perhaps, to the extent that the States were covering them already.

Mr. **Ford.** What is worrying me, with all due respect to Mr. Cross here, who led the charge to prevent us from putting into the statute what we are talking about, is you are saying to me that the cautions are every vote that I had against me in getting this thing into the bill.

Mr. **Meeds.** Mr. Chairman, it is worse than that. That would be bad enough, but even were we to go and look at the statements of those people whom they have quoted, or have used as reference, we would find they were apparently not as concerned as you and I are, but this was not said.

Did you read the committee record on this issue? If you will find the committee record, there is a very substantial discussion of this. Did you find that?

Mr. **Alford.** You simply say there what the law says, that the decision is made with the concurrence of the parents. I am not sure what that means.

Mr. **Meeds.** Do you have a record of the discussion and the change that took place?

Mr. **Alford.** We have no real access to a written record.

Mr. **Meeds.** Did you try to get access to it.

Mr. **Alford.** I don't know.

Mr. **Meeds.** If you do, Mr. Alford, I think you will find that some of us were very concerned that this portion be given special attention because there were a number of migrants settling out, and we felt that the history of the migrant movement would be a matter of settling out.

We thought that this provision would smooth that transfer that we really wanted to see happen, including Mr. Quie, as I recall.

Here we come in today, and I come in today, and find that you have not done anything about it. I must say that I am disconcerted, to say the least.

Mr. **Alford.** I don't think that I want to leave the record in that state, that we are not doing anything about it.

We determined that the effective thing to do was to use the migrant student record transfer system, and to have the 5-year migrants put into that, and count them as they came in.

If we moved to another basis for estimate, it is fraught with all sorts of difficulties. If you rely on the States to make a broad-scale estimate of how many former migrants they could possibly serve and use that as a basis for the distribution of funds, we would be very reluctant to approve that kind of system from an administration point of view. This has nothing to do with the funding or anything else.

We have to have verifiable data, because anytime that we distribute this money we are going to be subject to audit, GAO as well as our own audit agencies. We are going to be subject to a review of Congress.

I don't believe that your committee would accept a system where we are not showing really accurate numbers.

Mr. **Meeds.** I agree with you, but I don't think that you ever made any effort to discuss this with our committee. Certainly no one ever talked to me, and I don't think that anyone talked to Chairman Ford, but here we were two of the main instigators of this provision.

Here you are telling us that you had problems with achieving any kinds of statistics in this, but you never asked us about it.

Mr. **Ford.** Mr. Meeds, I have checked with Mr. Jennings, and he says that in the course of several meetings about H.R. 69, the compensatory education in general, the subject of the former migrants came up.

The representatives of the Office of Education said that they were going to find it tough, if not impossible, to get the data together for 1975, but they were reasonably sure that that they could have it for fiscal year 1976, and we are now talking about fiscal year 1977.

Mr. **Wheeler.** That statement would mean that we would have some of the data in 1976, and then be able to use that data with some security for the purpose of allocation in fiscal 1977.

Mr. **Ford.** Let me call your attention to page 22 of the report of the managers of the bill, the House report, the middle of the page:

> We have, therefore, urged the Commission to use the data provided by that system—

we are referring to, I guess, MSRTS—

> whenever, in his opinion, it would reflect more accurately than other methods, the number of migrant children within each state.

How much clearer could we make it than that, when we are talking about migrant children, and we later succeed in expanding that definition to include a former migrant child. We did not really think, until today, that it would be necessary to tell you that.

Once we have expanded the definition of migrant child, that is the child who is identified as a migrant child today together with any child who is identified as a previously migrant child. They are all migrant children for purposes of this count, which should give the best available data of the MSRTS.

You made a telephone survey across the country. You could have followed that up with a simple directive to these people to "give us the best information you have on the number of children." You could even have drawn up the rules of how they were to be determined.

Mr. Alford puts great emphasis on the words "with concurrence of the parents." He spoke about them as though they were artful words. I suppose that all of these programs, from Headstart on up, are with the concurrence of the parents. Nobody is shanghaied into a program.

Mr. **Alford.** I don't know why they are in there. I don't know the legislative history, but I have not been able to find them anyplace else.

Mr. **Ford.** We were dealing in the aura of the Buckley amendment at the time when these negotiations were taking place, and everything had to be with the concurrence of the parents.

That is as artful as those words are. Assume that they were artful, and, in fact, that there was an additional requirement upon these children. In other words, assume that these children could not be counted as migrants unless the parents allow the child to be in the migrant program. That is not what we are talking about in allocating funds; it is whether or not there is a migrant child in that school system.

The parent might decide, for whatever reason, to take the child out of school, or not let him attend the programs that are specifically designed for the migrant chidren, that is irrelevant. It has nothing to do with counting the children.

Now if you put the most extreme kind of an interpretation on "with concurrence of the parents," I suppose that you would have something comparable to what we have in the school lunch program.

In fact, you would have a way of surveying the parents, to discover whether or not during the previous 5 years those parents had been migrants, and that would not be an unsurmountable obstacle, would it?

Mr. **Alford.** I think that it poses a problem, as does the definition of "up to 5 years," for example.

Mr. **Ford.** What did you do to advise the State directors that "with the concurrence of the parents" meant anything? What did you think it meant?

Mr. **Alford.** I don't know that I could have told them anything, but I am not sure whether we did it or not.

Mr. **Ford.** Did your memorandum directing them to put these figures into the computer at Little Rock, say anything about taking into consideration "with concurrence of the parents"?

Mr. **Rivera.** No, sir.

Mr. **Ford.** So you did not believe at that time, that you had to have the parent's concurrence to count the child as a migrant.

Mr. **Alford.** We are not really that far apart. I am a little bothered that there is an appearance here that we are not trying to do what the Congress intended us to do.

You put heavy emphasis on the record transfer system, and you said to us, in effect, "if you, however, can come up with better estimates than the record transfer system, you should use them."

Mr. **Ford.** We realized that we were going to be in a transition period because the incentive to get the statistics into the migrant student record transfer system, particularly with respect to these children, was greatly enhanced by the 1974 act, wasn't it?

Mr. **Alford.** Yes.

Mr. **Ford.** The dollar incentive for people to get onboard and start cooperating and getting the figures down in Joe Miller's MSRTS operation changed dramatically.

We knew that this was not going to be an instantaneous sort of thing. That language is in there, and Mr. Quie followed it up. He had genuine concern as to whether or not the migrant student record transfer system at that point was going to be equipped to give a printout that would be accurate.

That language in there is to save us from the situation where we said: Well, we cannot distribute the money until the migrant student record transfer system is ready to give us the accurate figures.

If there was another way of doing it in the interim, while they were getting ready and getting the information together, that is what we intended to do. You apparently undertook to do that with the telephone survey.

If you were going to rely on the record transfer system, why did you bother to go over the migrant student record transfer center and make your own telephone inquiry, if, in fact, you were not trying to see if there was an alternative form of data that would be better than what had been available to you. Otherwise your telephone survey was a very useless act.

Mr. Alford. If I recall, we did examine the alternatives to this, and this was a part of this process. I think, as I remember the final determination, we assumed the transfer system was the one that we preferred to use. It was the most accurate. That is the basis under which we are operating.

Mr. Ford. You are not prepared to tell, yet we have asked, unless we have not asked the right way, what has been done and what is being done right now to make sure that when the computer printout comes out, it is going to reflect this new definition of migrant child for purposes of funding that we put in the act last year.

We have heard that by fiscal year 1977 it is going to be pretty close. Is that solely on the basis of the meeting in Silver Spring?

This is the only thing that you have told me you did. On December 4, 1974, you called all the directors into Silver Spring to a meeting, and you said: "You start getting 5-year provisional migrants into the record transfer center." I know that this has been done.

Mr. Rodriguez. No, sir.

This was followed by a memorandum to the chief school officers specifying the directions that they would follow.

Mr. Ford. Do we have a copy of that memorandum for the record?

Mr. Rodriguez. We will provide one.

[The information referred to follows:]

Office of Education,
Washington, D.C., March 14, 1975.

Subject: State Allocations of ESEA, Title I Mirgant Program Funds.
Reference: Public Law 93–380, Section 122(b)
To: Chief State School Officers.
Purpose: This Instruction transmits procedures to be used for State validation of migrant student records for ESEA, Title I Migrant Program State allocation determinations for fiscal year 1976.

This is to inform you of the action to be taken by the Office of Education in the computation of allocations to States for programs to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen as prescribed by Title I of the Elementary and Secondary Education Act, as amended by Public Law 93–380.

Section 122(b) requires that ". . . the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students."

The Migrant Program Allocation System (MPAS) determines the number of actual migratory children by full-time equivalency based on residency from cumulative data collected throughout the entire previous calendar year (January 1 to December 31).

Because of the inequities resulting from the use of Department of Labor data, which counts workers and not children and in the absence of any other system which more accurately and fully reflects the actual number of migrant students, data from MPAS for the preceding calendar year will be used for fiscal year 1976 and subsequent fiscal years through June 30, 1978, for the purpose of determining the amounts to be made available for grants to State educational agencies for programs for migratory children under Title I.

The procedures described in this directive will affect your State allocation of Migrant Program funds in fiscal year 1976. These procedures are necessary in order to obtain, as accurately as possible, data concerning the migrant student population you serve. These data provide the basis for MPAS.

Currently, your State has in its possession a listing of migrant students which were transmitted by the Arkansas central depository for purposes of validation and deletion of duplicate records. Attention should be directed to those records which contain incomplete data on the following:

a. Birthdates.
b. Enrollment dates.
c. Migrant status (Item 13).[1]

The SEA must notify all of its participating LEAs or agencies serving eligible children under this title that the aforementioned items and status codes must be recorded on the record form. Failure to record these items will result in the enrollment not being accepted by the computer in Arkansas.

State terminal operators should be instructed to enter only those records which have been properly validated and coded. Incomplete records should be returned to the school with appropriate instructions for their resubmittal.

The results of this validation and updated information are to be transmitted via your State MSRTS terminal prior to April 4, 1975. Instructions have been issued to the Arkansas depository to process the allocation system as of this closing date and the results be transmitted to the U.S. Office of Education for determining budget and State allocations.

Please contact Mr. Winford Miller by telephone when such information has been transmitted. This process will enable the Arkansas depository to keep a record of States which have completed their validation effort.

Your prompt attention in seeing that these instructions are carried out will be appreciated.

JOHN H. RODRIGUEZ,
Associate Commissioner for
Compensatory Educational Programs.

Mr. MEEDS. Could you read us the portion which deals with the subject matter at hand?

Mr. RODRIGUEZ. "This provides direction for all of the information to be put into the system."

Mr. FORD. What does it say specifically with reference to the former migrant children?

Mr. RODRIGUEZ. It is category six, 5-year provision.

Mr. MEEDS. Read it.

Mr. RODRIGUEZ. [Reading.]

> Currently your state has in its possession a list of migrant students which were transmitted to the Arkansas Record Center Depository for purposes of validation and deletion. Attention should be directed to those records that contain incomplete data on the following: (*a*) birth date; (*b*) enrollment date; and (*c*) migrant status;

which is item 13 on the record.

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[1] Code for Item 13:
Put a "1" if child is Interstate-Agricultural.
Put a "2" if child is Intrastate-Agricultural.
Put a "3" if child is Five-year provision-Agricultural.
Put a "4" if child is Interstate-Fishermen.
Put a "5" if child is Intrastate-Fishermen.
Put a "6" if child is Five-Year provision-Fishermen.

Then it specifies the code for item 13. Put in a "1" if the child is interstate agricultural, "2" if the child is intrastate agricultural, "3" if the child is a 5-year provision agricultural, put a "4" if the child is interstate fisherman, "5" if the child is intrastate fisherman, and put a "6" if the child is 5-year provision fisherman.

Then, it goes on to give further instructions.

Mr. Ford. What do you mean by "5-year provision agricultural?"

Mr. Rodriguez. The records are constructed such that the first three categories of student status deal with agricultural and the next three deal with fishermen. That is the way of tabulating and categorizing youngsters so that we know what percentage are fishermen, and what number of them are agricultural.

Mr. Alford. If you will remember, the fishermen were added in 1974, because we had excluded them.

Mr. Ford. Beside the fact that it is nice to know what those two categories are, how is what you read calculated to give the data that we now have on the 5-year children?

Mr. Wheeler. It gives specific instructions to the States that as they submit this information to have a count of the 5-year-provision children, it has to be put into the system, [illegible] that it can be retrieved and used for allocation purposes.

Mr. Ford. The mere mention of the 5-year provision suggests that they already know what the definition is of the 5-year children.

Mr. Wheeler. We have had conferences where we go over definitions, and the regulatory provisions that they have to be aware of.

Mr. Ford. They are not being put on notice that there should be any question about parental concurrence. It is simply whatever information you have, and that you have been, in the past, using to determine the 5-year children.

Mr. Wheeler. It does not imply that they would only use information that they had in the past. It implies that they are to make a more accurate search for children who would fit this particular migratory status, and they are to identify the number of children that are in that status. That would include the 5-year-provision children.

Mr. Ford. How many of the 5-year-provision children are in the fiscal 1976 count?

Mr. Rodriguez. I don't know how many children, but we can give you an estimate. My estimate is about 10,000 FTE, full-time equivalent, 5-year provision out of 207,000.

Mr. Meeds. Mr. Chairman, under what circumstances would the settled out migrants not be FTE's?

Under most circumstances, purely migrant children would be based on an FTE, wouldn't they? Just counting the number of migrant children, truly migrant children, you would have to use an FTE type of count, but on the settled out migrants, you would not have to use an FTE type of count because they are settled out. Each one is a full-time equivalent student, isn't he?

Mr. Rodriguez. Probably, generally speaking.

Mr. Meeds. How many migrant children are you serving under this program? I don't want the FTE count, but I want the total count.

Mr. Rivera. It is 444,345 individual children.

Mr. Meeds. Out of that many individual children, you are telling us that your count for 1976–77 will identify 10,000 former migrant students, despite the fact that we have indications from the GAO and also from our own independent survey that there may be somewhere in the area of 273,000 of them. Is that right?

Mr. Rodriguez. That was the count.

Mr. Meeds. During the calendar year 1974, the full-time equivalent was approximately 10,000.

Mr. Rodriguez. Generated now in the computer system, during calendar year 1975, will be those youngsters that are settled out migrants that will be counted for allocation purposes for fiscal year 1977, and it will be next July when that allocation is made.

Mr. Meeds. That is the 10,000?

Mr. Rodriguez. It is greatly larger than that.

Mr. Meeds. Can you give us an idea of how large it is?

Mr. Rivera. Yes; we can. I don't know whether we have that data right at hand.

Mr. Ford. Would you define "full-time equivalent"?

Mr. Rodriguez. It is a youngster who is in the State 365 days, or whatever combination that totals 365 days of residence.

Mr. Ford. Where do we get that?

Mr. Rodriguez. The residency requirement.

Mr. Ford. The definition of "full-time equivalency" student?

Mr. Rodriguez. This is the one that has been used in the system.

Mr. Ford. Where did that come from?

Do you mean that if the child is in that State's educational system for 2 months, he only counts as one-sixth of a full-time equivalent child?

Mr. Rodriguez. Yes, sir.

Mr. Alford. Otherwise you would pay three times on one child, if they moved. You would pay a full payment three times.

Mr. Meeds. I can see that with regard to truly migrant children, but I don't see that with the settled.

Mr. Ford. If we were doing this with all of the title I children, we would be knocking one-fourth of their money off. How can you say that a settled child is three-quarters of a full-time equivalent child because he only goes to school 9 months.

Mr. Rodriguez. It has nothing to do with the enrollment in school. It is the residency time in the State.

Mr. Alford. If you move, you reduce your number of enrollment in the program.

Mr. Ford. Where did you get the idea that we had to justify this full residence sort of thing?

Mr. Rodriguez. The statute refers to residence, either full time or part time, and that is the basis.

Mr. Wheeler. Mr. Chairman——

Mr. Ford. Under what circumstances would a full settled out migrant child, who has been living in Detroit, where the father has been looking for a job in the factory, when he was formerly a migrant worker, would he be anything but a full-time student?

Mr. Rodriguez. If he were enrolled in the system, he would be counted, and he would become a full-time equivalent for that year, if he lived in the State for 365 days. If he moved to another State, then the

State would only accrue that portion of the year that he resided in that State.

Mr. **Cross.** Of course, it seems to me that what they have done is to translate everything into a common denominator.

Mr. **Meeds.** With all due regard to that example, Chris, it is difficult to have a common denominator between apples and oranges.

Full-time equivalent can certainly be used where there is a lot of transfer and transit, and temporary residence. We don't use FTE on other settled-in people, why should we use them on settled-out migrants.

Mr. **Wheeler.** Mr. Meeds, in the statement that Dr. Rodriguez made with reference to full-time equivalent students, he was trying to answer a question that related to the number of children in the program now.

Those children previously had been reported under the system before we asked for the information. What he is doing is giving you a figure which is an index of the number of 5-year-provision students who are in the program now.

This is the best we can do, and the best estimate would be that by far the largest number of these children, but not all of them, would be full-time students.

Mr. **Meeds.** You see what is being done with this kind of a statistic; when you take the full-time equivalent and apply it to migrant students, truly migrant students, you get a much smaller number. When you apply it to the settled-out migrants, you will not get a much smaller number.

Mr. **Wheeler.** We are not applying it, Mr. Meeds. This is the point that I want to make. We simply used this full-time equivalence to give the best answer in response to a question which you had asked about the number of 5-year-provision children in the program.

We certainly don't intend to count these children with the full-time equivalence, if they are 5-year-provision children with full-time residence.

Mr. **Meeds.** Let me ask you the question again.

Wouldn't 10,000 settled-out migrants be a relatively small number of the truly settled-out migrants, children, students?

Mr. **Rodriguez.** Yes.

Mr. **Meeds.** So why do you have such an inadequacy on your count of these people?

Mr. **Rodriguez.** They were not in the data base during the year that this figure was derived.

Mr. **Meeds.** So you not only did not heed the will of Congress the first year, but it appears now that your attempt to do so in the second year and the third year will be grossly inadequate.

Mr. **Rodriguez.** I don't think that is an accurate statement.

Mr. **Meeds.** Let me ask you this. Do you have any sort of guess of how many settled-out migrant students there are? Have you made any attempt to find out?

Mr. **Wheeler.** Our attempt is going to be through the procedure of the States reporting to the system, Mr. Meeds, rather than a rough guess.

Mr. **Meeds.** You have already indicated that it was inadequate.

Mr. **Wheeler.** What was inadequate?

Mr. **Meeds.** Your guess.

Mr. **Wheeler.** I don't think that our count is going to be inaccurate when we get the proper data.

Mr. **Ford.** How are you going to get the proper data from that memorandum? Is there anything behind that memorandum?

Mr. **Wheeler.** Yes, Mr. Ford. We are going to be in contact with the State people about the necessity to count these children. We are not going to be derelict in this at all.

We have no intention of trying to minimize the count of the five-year-provision children, nor do we have any intention of not discharging our responsibility. We are going to do the kinds of things that are necessary, administratively, in order to see that we get the most accurate count. We feel very strongly that we have that obligation, sir.

Mr. **Ford.** Let me tell you that the general information that I get from State directors is that you do have a hesitancy to count the 5-year-provision children and that you are not anxious to count them.

In fact, your department is communicating to them the idea that it is really not a good idea to press this.

Mr. **Wheeler.** I would have to deny this in the most forceful way.

Mr. **Ford.** I am going to bring them in here, and I am going to put them on the record.

Mr. **Wheeler.** You know many of them, and I know many of them personally. I know first of all that they are strong advocates of this program, and justifiably so, and that they may be given, sometimes, to making extravagant statements, but those statements just have to stop short of accusing us of having any intention to be derelict in the discharge of this responsibility which has been given to us by the Congress.

I can say to you, contrary to what you may have heard from the State directors, that the Office of Education, and the Bureau of School Systems, where we have the responsibility for administrating this program, that we are going to discharge our responsibilities in the way—in the best possible way that we can.

We are going to be just as administratively efficient with this as we possibly can. The charge that we are being deliberately hesitant, and that we don't want to carry out our responsibilities on this, I think is, at best, unfounded. It is just simply not true.

In the first place, I don't know what would be the motivation for us to do this. I have accepted the obligation to carry out the responsibilities attached to this office in the best way possible, and that charge, I think, is more a function of a strong kind of advocacy that the State people have, rather than fact. I would just have to deny it.

Mr. **Ford.** Let me point out to you that the program change that we are talking about expires on June 30, 1978, which is the end of fiscal year 1978.

You are telling us that we will have a program, by your best estimate, operating in fiscal year 1977 and fiscal year 1978.

Mr. **Alford.** We can go to 1979 with our authority, because we have a 1-year extension.

Mr. **Ford.** You will not have any further authority, because this whole thing has been bitterly fought.

On the face of the record made here today, and on the basis of everything that we have heard until now, I am going to say to you that I agree with the State directors who have the feeling that there is not an aggressive effort on the part of the Office of Education, and, in fact, not even an adequate effort to carry out the intent of Congress as quickly as possible to identify these 5-year children, get them counted. and get the money to the school districts that have them, so that they can develop programs for them.

When you say that the best you are going to be able to do is 1977, that to me is certainly not a very aggressive pursuit of implementing something that we have tried for so many years to get.

It was not a surprise to anyone, I don't think, that this category of children was a category that we were concerned about. They just did not suddenly appear in 1974.

This is something that we found we had to change because we did not get the cooperation out of the States we thought we should have when we left it voluntary. We tried to make this a mandatory program with a national thrust to it.

This is what we were talking about earlier, when we were talking about the staffing of your office, and the fact that the people concerned with this program are basically, if not the same, people utilizing the same number of slots with the same authority that they had years ago when it was a minuscule program.

There is no evidence here that you have given us, and on the face of everything that has been said today, that you are doing really much of anything to get this group of children counted.

On the other side, we have people who are drawing the conclusion from your actions and failure to act that it is your feeling that, since there may be some competition for funds between other title I programs and this program, you are not anxious to accelerate this program.

Mr. Wheeler. Mr. Chairman, with regard to that particular perception which has been conveyed to you by the State entitlement people, I will have to go on the record to say that it is erroneous, and and I will have to offer you the strongest kind of denial that I can.

There are no facts, which, in my judgment, State people can put their hands on which would indicate that this is the true condition of things.

I think, on the other hand, that there are some facts which would show that we are not moving as rapidly as some of the advocates of the program are wishing, but we are moving conscientiously and with responsibility.

We think that we are going to have an accurate count of these children, and this is certainly carrying out the responsibility that we have to the Congress.

On page 64 of the statute, which deals with this matter, it says that in determining the number of migrant children for purposes of this section, "the Commissioner shall use statistics made available by the migrant student record transfer system, or such system that he may determine accurately fully reflects the number of migrant children."

I don't know how I can change your perception, Mr. Chairman, that we are not moving aggressively and that we are, indeed, coming very close to being derelict in our discharge of the responsibilities, except to say to you that I know you are not going to rely on your perception with regard to this, and that you are going to check. I think that you will find us on defensible ground both with respect to getting the number of children into the program that ought to be in there, and also the rationale which we are following in order to discharge our responsibility, to have a defensible system.

Mr. **MEEDS**. Mr. Chairman, I would just like to ask where the figure of 275,246 which the GAO estimated in its report, came from?

Mr. **RIVERA**. That came from our office, when the GAO was doing the review. They asked us if we had made any effort to collect data. We said, yes, we had made an effort through our phone survey to find out just where we were, and that according to what some of the State people had told us this was strictly an estimate on their part, and in some cases they considered it to be conservative.

That is exactly what we informed GAO.

Mr. **MEEDS**. OK, we will consider it to be conservative.

Now, with that figure in mind, and your indication that the first year is going to pick up approximately 10,000, does that raise any kind of danger signal in your thinking?

Mr. **RODRIGUEZ**. As of June 30 of this year, there were 36,000 5-year-provision students in the system.

Mr. **MEEDS**. Let us take 275,000 and 36,000; does that raise any kind of danger signal?

Mr. **WHEELER**. Mr. Meeds, we should not overlook the fact that this is a figure in which we did not have the level of confidence that we think we ought to have had. It is not made clear in the GAO report.

Mr. **MEEDS**. I understand that.

Mr. **WHEELER**. We have a figure in which we have no confidence. It seems to us that we ought to recognize that this is a figure in which we cannot put very much faith for two reasons.

For the first thing, if we did put some confidence in the bizarre figure, we are not carrying out our responsibility.

Mr. **MEEDS**. Can you indicate to me where you have indicated to the State school people that you feel that this is a bizarre figure, to use your language?

Mr. **WHEELER**. This was indicated to us by them. Is that not right?

Mr. **MEEDS**. They said that it was a conservative figure.

Mr. **RIVERA**. They indicated to us what I told the GAO people when they were there. They asked me if this was a figure that I would accept, and I said to them: "Well, I did not know it at that point, except that the State people had told me that it was a guesstimate on their part."

I concur with Dr. Wheeler that on the basis of what had preceded the involvement of 5-year-provision children, it is strictly an estimate, because we had been coming out with directive after directive saying, identify the 5-year-provision children included in your programs, but not forsaking the actual migrant child, because he was not being funded on that basis alone.

It is exactly what some of the State directors have said to us. I, myself, have really had no definitive kind of confidence in that kind of a report to go forward and say that we are going to go ahead and allocate money on that basis.

Mr. **MEEDS**. Looking at this from your standpoint, as administrators, it would seem to me that if you had that kind of a guesstimate, and since you thought that it was—they said that it was conservative, and you thought that it was not accurate.

Then, in your actual count, in your statistics gathering system, you picked up an actual count of 36,000, it would seem to me that you would do something, that you would say something, that you would communicate in some way that there was this great disparity, and that either they were right, or you were right, and get it resolved.

What do we find—two lines in a little communication that you are sending out, telling people that they should be counted.

Mr. **Wheeler.** Mr. Meeds, I don't want to leave that impression before this committee.

You asked us what we had in writing, and this is our response. What should be understood is that this is not the sum total of our activities that we have had with respect to our responsibilities in this matter.

The migrant branch is in direct contact with the people in the field, and I cannot believe that the people at the State level don't know what to do with respect to counting these 5-year-provision children, or they do not know the procedures that they ought to follow in order to get them into the data base.

I don't want the committee to have that kind of impression. I am sure that it is not a true representation of the facts to say that all we have done is to write these two memorandums. It is not true at all.

As a matter of fact, we have a meeting scheduled in Silver Spring pretty quickly where this will be the topic of the discussion that takes place during that conference.

At that conference, all the directors of the migrant programs are going to be there. The conference is called specifically for the purpose of considering the kinds of obligations that the State directors have in synchronizing the kinds of procedures that are going to be used.

Mr. **Fairley.** In addition to that, we have staff visits to these States at least once a year, and we discuss these problems and render technical assistance.

In addition to that, we are developing this year some technical assistance material, we call it a program support package, to show States how they can be more active in their treatment of all kinds of migrant workers.

Mr. **Meeds.** Mr. Chairman, I will say that the evidence thus far is that the efforts have been far from adequate, and I certainly would appreciate any kind of communications or efforts in the future which indicate that there has been an accelerated effort to serve this portion of the migrant community, which is just as important as the truly migrant child.

This should be the way that communities in this country are providing the kinds of services that will get migrants to settle out and become full-time members of communities, and begin to solve the problems which we all look upon as very, very serious for migrant people.

It seems to me that this is one impetus that we can use to do this, and it is not being used, despite your indications to the contrary.

I think that the hearing this morning has amply brought out that very little attention has been paid to this.

Mr. **Wheeler.** Mr. Meeds, we will certainly be glad to comply with that request, as I have mentioned, with regard to the actions that we have taken.

Also we would like to pull together the activities which we have had in the past with respect to this matter, and present them to you and this committee, in some organized form, so that you would have, perhaps, a better estimate of what we have done.

[Report follows:]

ATTACHMENT V A

The following is a report on the actions taken by USOE in regard to the implementation of policy establishing the eligibility of five-year provision migrant children for funding purposes as per P.L. 93-380.

HISTORY

Although children of former migratory agricultural workers have been eligible to participate in State migrant programs up to five years after they ceased to migrate, they were ineligible to be counted for State allocations. USOE established priorities within its definition of eligible migrant children with the top priority given to those children who were inter- and intrastate (active migrant). If services would not be diluted for such children States could include five-year provision children in the program. However, programs could not be developed solely for former migrant children. Subsequently, limited numbers of five-year provision children were entered into the MSRTS (Migrant Student Record Transfer System). MPAS (Migrant Program Allocations Subsystem) was programmed to sort these records from the data base in its computations in keeping with the method for allocation as prescribed in P.L. 89-750.

This policy governed the implementation of services to such children prior to passage of P.L. 93-380 effective August 21, 1974.

FACTS

The following is a chronology of activities that were conducted to implement the five-year provision of P.L. 93-380:

December 4, 1974—National Migrant Coordinators Workshop, Washington, D.C. Dr. John Rodriguez announced policy regarding the funding of five-year children. States absent from conference were Nevada, Rhode Island, and South Dakota.

January 18, 1975—Directive to States from Mr. Winford Miller, MSRTS, on validation and status coding of all categories of eligible children including five-year children, agricultural and fishermen.

January 22-26, 1975—Southwest Regional Conference on Migrant Education and Meeting of the Western States Coordinating Council on Migrant Education; Phoenix, Arizona. Policy discussed by USOE.

February 10-11, 1975—Migrant Education Workshop; Columbus, Ohio. Policy discussed by USOE.

February 17-20, 1975—LEA Migrant Directors Planning Workshop; Indianapolis, Indiana. Policy discussed by USOE.

March 14, 1975—USOE Directive to Chief State School Officers providing instructions on procedures to be used for inclusion and validation of all categories of eligible children.

March 14, 1975—USOE Directive to Mr. Winford Miller concerning modification of MPAS in counting of five-year provision children.

March 24-28, 1975—Eastern Stream Migrant Education Meeting; Orlando, Florida. Twenty-one States participated, including Puerto Rico. Policy discussed by USOE.

April 15-17, 1975—LEA Migrant Directors Training Workshop; Columbia, South Carolina. Policy discussed by USOE.

May 11-15, 1975—National Migrant Education Conference; New Orleans, Louisiana. Fifty States participated, including Puerto Rico. Policy discussed by USOE.

June 2-4, 1975—Alabama Migrant Teachers Workshop; Birmingham, Alabama. Policy discussed by USOE.

June 12-13, 1975—Georgia Annual Migrant Education Workshop; Macon, Georgia. Policy discussed by USOE.

June 16-18, 1975—MSRTS Training Workshop for Administrators, Teachers, and State Directors; Little Rock, Arkansas. Policy discussed by USOE.

June 30, 1975—Completion of Program Support Package on Migrant Student Record Transfer System. This package of materials was designed for State use in training project personnel on importance of utilizing the MSRTS for the migrant child's educational continuity. This package included information on the five-year children.

July 2-4, 1975—The 1975 NEA National Convention; Los Angeles, California. Policy discussed by USOE.

August 11-12, 1975—National Meeting on Proposed Migrant Regulations; Washington, D.C. Policy discussed by USOE.

August 18-20, 1975—MSRTS Training Workshop for Administrators, Teachers, and State Directors; Little Rock, Arkansas. Policy discussed by USOE.

September 15-19, 1975—Florida Inservice Migrant Education Workshop; Hollywood, Florida. Policy discussed by USOE.

September 24-26, 1975—Louisiana State Migrant Administrators Meeting; Alexandria, Louisiana. Policy discussed by USOE.

October 5-11, 1975—Oregon MSRTS Workshop for LEA Directors; Portland, Oregon. Policy discussed by USOE.

October 7-10, 1975—Texas Annual Migrant Education Workshop; McAllen, Texas. Policy discussed by USOE.

October 15-17, 1975—Title I Developmental Assistance Regional Conference; San Mateo, California. MSRTS Program Support Package presented to States.

October 20-22, 1975—Title I Developmental Assistance Regional Conference; Dallas, Texas. MSRTS Program Support Package presented to States.

October 22-24, 1975—Title I Developmental Assistance Regional Conference; Silver Spring, Maryland. MSRTS Program Support Package presented to States.

November 3-6, 1975—MSRTS Training Workshop for Administrators, Teachers, and State Directors; Little Rock, Arkansas. Policy discussed by USOE.

During Fiscal Year 1975 following the policy announcement, 19 State migrant program reviews were conducted by USOE. In the conduct of these reviews, the States' efforts to identify and code these children were assessed.

To date in Fiscal Year 1976, USOE has conducted nine State reviews including those by the Regional Program Specialists during which an assessment of the States' identification of all eligible migrant children was assessed.

Currently the Division is developing a program support package entitled "Recruitment of Migrant Children for Title I Services." This package provides suggested methods for SEAs and LEAs to use in the identification and recruitment of migrant children including the formerly migratory child. Completion date of development is scheduled for March 1976; presentation to States in June 1976.

Aside from the listed activities, there have been daily telephone inquiries between the States and USOE concerning this subject as well as those inquiries made to the 10 Regional Program Specialists.

I would assure you, Mr. Meeds, before you leave, that we have a commonality of purposes here. I think that what you said about the educational goals that are set before us with regard to the migrant children, their full and productive assimilation into society, is the responsibility that we have accepted.

I want to assure you and everyone else that we are going to diligently discharge that responsibility because, first of all, we have no reason not to do it, and as an agent of the Federal Government, that responsibility rests very heavily on our shoulders.

We perceive what that responsibility is and its specific features. I can assure you that we are going to be carrying it out.

Mr. Ford. I want to thank you, Mr. Wheeler, and all of your people for being here today. I hope that, in expressing the concerns that I have and that Mr. Meeds has and that other people who were not able to be with us this morning have with regard to the viability of this program, we are not in any way indicating that we are trying to harrass you. You are following the admonitions of the President because the Democrats are not to be trusted.

For the past 11 years I have been tangling with your counterparts in both Democratic and Republican administrations, and I realize the difficulty that you have and the pressures that are on you from all directions to take care of a program which a segment of the Congress believes to be grossly important.

I think that some of us feel, as advocates of all the programs, and this committee has had more than a little bit to do with the creation of those programs, that they are the salvation against every kind of an assault, in and out of the administration, which has been mounted against them.

We want to suggest to you that we do not want to do anything at the expense of the other programs. By the same token, there is what people refer to as a possible reordering of priorities. We feel stronger about this program, because nobody else is sticking up for it.

There is no political mileage to be gained from this program. I don't know when you are going to see a Governor, except for three or four States, who is going to spend any of his political capital to take care of these kids.

There is no place in the whole system where there is a reasonably strong advocacy for these particular children because of their very nature, how they get to where they are, and who they are.

It has all of the implications of racism, benign neglect, and everything between those two that all of our efforts, from the poverty programs on through, have encountered.

This one is particularly a Federal responsibility, and if the advocacy and the pressures for success do not come from you, it is not going to come from anyplace else.

We do know that there are a couple of States that have made some efforts on their own, in addition to or before ours, to deal with these children, but they are in the minority, and these are short kinds of programs.

In my own State, where both political parties have had consistently in the Governor's office for years people advocating assistance to these people, we have done practically nothing.

You run up against the legislature, with pressures for money, and you do not come up with the support.

So if we are leaning on you a little heavily, it is because we recognize that, unlike a lot of other programs where there is a lot of political clout out there trying to support them, there is not any for this, and it has to come from you people.

Mr. WHEELER. Mr. Chairman, we have appreciated the support that you have given to disadvantaged children. I would only want to assure you that we do aggressively try to discharge our responsibilities.

We recognize the plight of these children, not only the migrant children and their speciality of needs in the educational arena, but the entire disadvantaged segment. We understand fully the value of advocacy, and watchfulness and concern at the Federal level.

I do want to say to you that we do appreciate the concern of this committee, and also that we will welcome appearing here any time that you have any questions about our discharge of our administrative responsibilities under this program.

I feel secure that you are going to find that we are discharging our responsibilities in a manner that you can accept and that is going to become clear, I think, as we move along into the future.

There is one other item, Mr. Chairman, with respect to a concern that you raised in the letter to the Commissioner, and we checked it with the legislation.

I think that it would be useful to the committee if I could, with your permission, submit the testimony of Frank Vittetow from the State of Kentucky, who was here when you had the hearings scheduled earlier, but he could not come back at this time.

[Prepared statement of Frank H. Vittetow follows:]

PREPARED STATEMENT OF FRANK H. VITTETOW, KENTUCKY STATE DEPARTMENT OF EDUCATION

Mr. Chairman and members of the commitee: I am Frank H. Vittetow, Assistant Superintendent of Public Instruction for State and Federal Relations, Department of Education, Commonwealth of Kentucky.

On behalf of Dr. Lyman Ginger, Superintendent of Public Instruction and staff members of the Department of Education, may I express my appreciation to Chairman Ford and Members of the Subcommittee on Agricultural Labor for the privilege of appearing before you today.

In addressing the possibility of separating the administration of Migrant Education from the administration of ESEA, Title I, both at the Federal and State levels, we find it necessary to voice opposition. We feel this would be an unwise move which we must oppose for the following reasons.

The Commonwealth of Kentucky receives a small grant for Migrant Education. In fiscal year 1975, our grant was $87,076. For fiscal year 1976, we have a Migrant Education grant of $112,576. This limited amount of funds supports Migrant Education programs in only four of the 182 local school districts in Kentucky. Our Migrant Education projects consist primarily of Reading, Language Development, and Mathematics. During the past year, we served a total of 221 children in these programs.

Under Federal criteria, 1 percent of the total grant amount is allowed for administrative costs. It is easily seen that 1 percent of the small grant amount for the Commonwealth of Kentucky would not be sufficient to support the cost of administering the program if it were separated from the over-all Title I administrative services. Without adequate administrative financial support, we believe the administrative structure would be dissipated with a subsequent loss in services to migrant children.

We further oppose separation of Migrant Education from the administration of Title I because it would be most untimely to consider such a move. The Education Amendments of 1974, embodied in Public Law 93-380, provided a definition for the identification and enrollment of children whose parents are migratory agricultural laborers which, we believe, will ultimately result in a more fair and equitable distribution of migrant education funds. Children of farm laborers in Kentucky are moved about from one county to another quite frequently. This results in social maladjustment and disruption of our educational program. Therefore, these children are in immediate need of specialized educational programs which could be provided through migrant funds.

We have recently initiated a study and survey in Kentucky for the purpose of identifying and enrolling the children who, under the new definition, may qualify for special education services funds through Migrant Education (Section 122, Public Law 93-380). There is a possibility that our eligible number of migrant children could be increased from the present 221 to a total of 4,220 within the next two years.

Disruption of the present administrative structure of Migrant Education at this time would have an adverse effect on the efforts in states, like Kentucky, toward improving our position to share in Migrant Education funds. It would also create adverse conditions which could preclude the enlistment and participation of certain agricultural related children as provided for by the Congress in the broader definition of "migrant" under the 1974 Amendments.

We believe a separation between the administration of ESEA, Title I and Migrant Education would be contrary to the concept of consolidation. In the past

year, the Administration and the Congress supported and enacted legislation which provided for a consolidation of certain federally funded education programs. It was felt that the proliferation of federally supported education programs had reached the point of being wasteful and impractical. Therefore, in an effort to eliminate duplication of administrative functions and to assure a more practical application of Federal funds in education programs, Public Law 93–380 provided for the consolidation of various education programs under its Title IV.

Therefore, we believe the division of administrative responsibilites for ESEA, Title I, and Migrant Education, both at the federal level and state level, would be a mistake. It would seem to be contrary to the philosophy and concept of consolidation of programs for administrative purposes. It would be counterproductive to the effort in which we are now engaged to reduce proliferation in the administration of federally funded programs through the medium of consolidation.

We feel from experience that the administration of Migrant Education should remain under the same leadership and within the same administrative unit of ESEA, Title I at the Federal and State levels, which will assure less duplication of services and will also lessen the possibility of overlooking eligible children who are in need of the available services.

And finally, a move toward separating the administration of Migrant Education from ESEA, Title I could set a precedent that would subsequently be followed by other segments of the Title I administrative organization, such as: Title I programs for Handicapped Children—Public Law 89–313; Title I programs for Neglected and Delinquent Children—Public Law 89–750; or, Title I programs for Youth under 21 years of age in Adult Correctional Institutions.

We believe such a precedent in the division of the administrative structure would be erroneous and not in the best interest of the children to be served. Since migrant children are disadvantaged children, it would seem logical to keep the function assigned to the already well-functioning program of compensatory education.

In conclusion, we respectfully offer our opposition to the proposal for separating the administration of Migrant Education from the administration of the total ESEA, Title I program.

Mr. FORD. I have seen that, and actually I think that he has a misunderstanding of what we are talking about. He talks as if the enhancement of the specific mission of the Office of Education at the Federal level dealing with migrants would in some way dictate a separation of the migrant program at the State level, and this is not what we are talking about at all.

I have never heard anybody advocate that, so I think that it is groundless. I think that it would be counterproductive to try to separate them out, when you get them down to the State level, because you would actually be robbing the migrants of the service they get from the multitude of other programs that do come together at that level.

That separation here is because of the peculiar Federal nature of this program as distinguished from programs dealing with people who are considered to be permanent residents.

I would agree with what he said if the Office of Education interpreted what we have been saying to you as a directive to the States that they have to set up a different bureaucracy. Maybe that would be desirable in some of the States. I don't think that in my own State of Michigan it would do well. We do have a sensitivity for it.

I just want, I suppose, to have a little better way of knowing what is being done from the Federal level with respect to this program.

I have some people waiting for me to talk about public funds of another kind. But the minority has some questions. Do you want to ask them now, or submit them.

Mr. CROSS. I have some points which I would like to make with respect to the 5-year provision. First, I would like to reemphasize what you read, Mr. Wheeler, the fact that the law contemplates the use of a single system for identification.

In light of the confusion over the emphasis on getting the 5-year students in the migrant record transfer system, I think that it is clear the law does not really contemplate using two different systems to arrive at the total figures which seem to have been implied here this morning. In using one system, I don't think that you are at all in violation of the law.

I will also make the point of timing, which I think has not been clearly spelled out. When the law was signed last year, it was August 21. Soon after that came the appropriation bill and subsequent allocations. Because of that timing, it was not possible to crank in the settled migrants because there was no time to get them into the system.

That same bill for funding also contained forward funding for the year, so again, this was not much time. Allocations for a new fiscal year were made within a few months of allocations for fiscal year 1975.

Those are the facts that bear on the difficulty in phasing in the 5-year children.

I would like to ask, and have you submit for the record, some information on how you coordinate with bilingual education programs. Particularly, do you coordinate both types of program, so that there is some cognizance of the fact that they might be going on in the same communities?

[The information referred to follows:]

Title I Migrant Program and Title VII Bilingual Program Coordination

To date, the OE strategy to bring about coordination between the Title I Migrant Program and the Title VII Bilingual Program has been focused primarily on the State and local level.

This approach is most logical because of the varied administrative frameworks of both programs in the delivery of funds and services. The Title I Migrant Program is a SEA entitlement program with the SEAs as the only eligible applicants. The SEAs may make sub-grants to local educational agencies or other eligible agencies in accordance with their approved State plan. The Title VII program is a discretionary program, and has as its only eligible applicants, local educational agencies. The SEA serves only in an advisory capacity. Because of this variance, the coordination is more realistic at the State and local level.

The Office of Education, in the conduct of its State program reviews and technical assistance, encourages the State migrant program to relate to Title VII proposals at the LEA level where migrant children are involved. Further, the Office of Education encourages the SEAs to request review authority over Title VII proposals that relate to areas serving migrant children.

SEAs are required to review all LEA migrant applications with respect to available resources the local may have prior to approval of a grant to that local. This review is not limited to the Bilingual Program but involves all resources the LEA may have at the time of application.

Migrant programs are oriented towards the rural small school systems which consider the geographic locations of major concentration of migrant children. Most Title VII programs are the opposite and focus on the urban, inner city child. Where these programs are administered by the same local educational agency, provisions are made to include migrant children based on need and may entail supplemental assistance from migrant funds.

Additional efforts in OE include:

1. Providing the Bilingual Office with summaries of approved State migrant programs including a listing of the LEAs which will conduct the program.
2. Providing the Migrant Program Office with a current listing of all bilingual programs to be conducted nationally.

3. Reciprocal notification of planned meetings and conferences at the State and national levels for ideas and materials exchange.

4. Notification of exemplary programs which may be used by the migrant program or the Title VII, ESEA, program.

Provide an explanation of the chronology of the passage of the law, and the ability or inability of OE to gather data on 5-year children for Fiscal Years 75, 76, and 77.

FISCAL YEAR 1975 (JULY 1, 1974–JUNE 30, 1975)

Public Law 93–380 was enacted August 21, 1974. After passage of the Act, an unofficial telephone survey was conducted by the Migrant Branch in October 1974 to determine an estimate of the total universe of 5-year children. The survey revealed that there were an estimated 275,000 5-year children. The Fiscal Year 1975 funds were appropriated in December 1974. The migrant allocation was based on calendar year 1973 data which were available in early January 1974. Since the migrant program is fully-funded and the funds taken off the top of the Title I appropriation, there was not sufficient time to collect official data on the 5-year children for allocation purposes. The distribution of the total Title I appropriation would have been held up. The obligation period for these funds expired on June 30, 1975. The conducting of a legal survey approved by the Office of Management and Budget and the processing of the data could not have been accomplished in time to make 1975 grants. Also, the 1973 MSRTS data included 10,000[1] 5-year children. These children were not flagged so it would not have been possible to exclude them from the MSRTS data. Any source of data on 5-year children used in addition to MSRTS would have caused double counting of at least 10,000 children. Also, there were no data available to determine the FTE of the 275,000 estimate or how many of these children would have been within the ages of 5–17 and eligible to be counted. So there were really no reliable data available which could be used to make 1975 allocations.

FISCAL YEAR 1976 (JULY 1, 1975–SEPTEMBER 30, 1976)

Calendar Year 1974 MSRTS data were used for computing Fiscal Year 1975 allocations. Since the calendar year was more than half over when Public Law 93–380 was passed, it was possible to include only 40,000 5-year children in the MSRTS for allocation purposes. There were no reliable data other than MSRTS which could be used.

FISCAL YEAR 1977 (JULY 1, 1976–SEPTEMBER 30, 1977)

Calendar Year 1975 data from MSRTS will not be available until January which will show the number of 5-year children counted for allocation purposes. However, data as of November 28, 1975, from the Inter/Intra-State Student Enrollment Monitoring System from MSRTS show a head count of 108,985. These data do not reflect Full-time Equivalency or only the children aged 5–17 who are eligible to be counted, so the 108,985 count would be decreased. See the attached chronology of activities that have been conducted in the USOE to implement the 5-year provisions of P.L. 93–380.

I also have a question as to how you prevent double counting of the out-settled migrant children who would in many cases settle in communities where they are already, in schools which have the title I programs.

Is it possible that these children are double counted and, therefore, for the school district to receive——

Mr. **Ford**. Let me interrupt you to say that time is taking care of that, because what you are talking about is a census figure that is based on 1970.

Mr. **Cross**. It is also the AFDC figure.

Mr. **Ford**. The AFDC figure is stripped now, so it no longer means very much.

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[1] Even though the MSRTS had a program to sort out 5-year children, it was discovered that 10,000 children had been included in the data. These children had not been excluded because they were participating in a migrant program on a space available basis.

The count that we are making for title I is so far off target now that if we are worried about these figures skewing it, it does not make much sense to me.

I think that it is a kind of error, if there is a factor involved, that is to the good, because these people are not moving at those points. They are moving in when they settle out to the poorest housing, the poorest conditions, and the poorest schools that we have.

Mr. CROSS. If you could address yourself to that question in your response, I would appreciate that.

Another question, if you could take the fiscal year 1975 appropriation level, and provide for us a breakdown by State of what would have happened to the LEA grant program if the entire estimated 276,000 out-settled migrants had been counted in that count. What would have happened to the funds for that year. If we could have that, for the record, as well.

[The information referred to follows:]

HOW OE PREVENTS THE DOUBLE COUNTING OF SETTLED OUT MIGRANTS WHO ATTEND TITLE I SCHOOLS

Children of migratory workers are eligible for program funding and services based on their migratory status and residency as defined by the legislation. It is possible that some five-year provision children were included in the count of formula children in a school district and are now residing in a Title I target area, therefore, would be eligible for services from both programs based on the individual need for services.

Allocations are computed for the States and counties using the following data: Orshansky (1970 Census collected during the calendar year 1969); current AFDC above poverty; and current neglected, delinquent, and foster children. Grants to LEAs are computed in accordance with Title I Regulations using the best data available to the State educational agency showing current distribution of children in low-income families. The majority of the States use the same data to distribute county grants. In a few States, the 1970 Census data are not used.

However, allocations are not based on the number of children in low-income families in a target area, but on the total number of formula children in a district. The funds which have been generated based on the total count of formula children are then used to serve children in target areas.

With the two sources of data, the LEA formula and the MSRTS, the degree of double counting cannot be estimated. A five-year provision educationally disadvantaged migrant child residing in a target area would be eligible for regular Title I services and migrant services. We have no way of knowing how the many migratory children were in the 1970 low-income count or the AFDC count.

Even if data were available, neither the low-income count nor the migrant count could be adjusted without an amendment to the legislation.

A breakdown by State of what would have happened to the LEA Grant Program if the entire 275,000 settled out migrants had been counted.

This chart shows the result of adding 275,000 five-year children based upon an estimated distribution among the States resulting from a telephone survey. This chart also takes into account the floor on allocation and the resulting increase/decrease. We feel the estimate of 275,000 five-year children given us by the States is an inflated figure and that the distribution is questionable. Since the migrant Student Record Transfer System only contained 18,000 five-year migrant students, the migrant programs branch conducted a telephone survey of the State Directors of migrant programs. The estimates given by the State Directors represented their ideas at that time and could not be verified by facts. Some Directors had no idea as to the number of five-year provision students in their State and the migrant programs branch was forced to supply an estimated figure. As of November the Migrant Student Record Transfer System contains 108,985 five-year students.

COMPARISON OF FINAL 1976 TITLE I, ESEA GRANTS TO LEA'S BY STATE AND THOSE THAT WOULD HAVE RESULTED IF THE 5-YR PROVISION MIGRATORY CHILDREN HAD BEEN INCLUDED IN THE STATE AGENCY GRANTS

	Revised fiscal year 1976 LEA grants	Fiscal year 1976 LEA grants
50 States, District of Columbia and Puerto Rico	$1,514,670,507	$1,604,579,692
Alabama	39,352,176	41,814,255
Alaska	3,162,938	3,349,573
Arizona	12,868,547	13,678,036
Arkansas	22,414,621	23,806,079
California	122,495,419	130,039,420
Colorado	12,957,648	13,772,261
Connecticut	15,237,533	16,196,042
Delaware	3,866,935	4,110,183
Florida	47,514,179	50,503,034
Georgia	42,734,668	45,357,803
Hawaii	5,073,077	5,392,197
Idaho	3,617,665	3,843,995
Illinois	77,682,260	82,558,717
Indiana	20,289,469	21,565,768
Iowa	14,262,630	15,090,203
Kansas	11,550,586	12,269,304
Kentucky	30,557,956	32,426,766
Louisiana	44,907,272	47,732,141
Maine	5,734,568	6,095,298
Maryland	26,185,302	27,832,475
Massachusetts	28,568,741	30,364,592
Michigan	66,657,709	70,850,778
Minnesota	23,194,451	24,645,701
Mississippi	37,661,952	40,030,517
Missouri	27,433,862	29,117,891
Montana	4,543,690	4,828,797
Nebraska	7,951,071	8,435,710
Nevada	1,890,456	2,007,856
New Hampshire	2,655,611	2,822,661
New Jersey	46,335,058	49,173,844
New Mexico	11,711,564	12,447,191
New York	173,128,653	180,180,252
North Carolina	45,877,033	48,615,109
North Dakota	4,181,714	4,427,877
Ohio	46,811,898	49,190,897
Oklahoma	17,945,098	19,069,470
Oregon	12,577,578	13,368,764
Pennsylvania	76,583,219	81,400,648
Rhode Island	6,049,389	6,429,923
South Carolina	29,902,231	31,760,052
South Dakota	5,281,192	5,557,851
Tennessee	35,668,534	37,862,844
Texas	92,085,826	97,850,649
Utah	4,925,887	5,235,093
Vermont	2,750,351	2,923,360
Virginia	34,913,892	37,066,971
Washington	18,198,698	19,343,478
West Virginia	15,631,140	16,577,023
Wisconsin	24,427,050	25,963,621
Wyoming	1,912,250	2,032,540
District of Columbia	10,058,751	10,691,492
Puerto Rico	34,690,509	36,872,690
American Samoa		
Canal Zone		
Guam		
Virgin Islands		

Thank you, Mr. Chairman.

Mr. FORD. Thank you very much, gentlemen.

We are going to keep the record open, and we hope to have further hearings on this subject as often as we can fit them in.

I would hope that you would take time to forward to us those memorandums, for the record, on what you are doing, and where it is leading.

Here again, I would like to apologize for the fact that we have witnesses from the National Education Association here, but I just cannot go on at this point.

We will try to arrange to put you on first when we have our next hearing. We will be developing more testimony, for the record, from other people as well.

The subcommittee will now adjourn, subject to call of the Chair.

[Whereupon, at 12:25 p.m., the subcommittee adjourned, subject to call of the Chair.]

[Additional information follows:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
SUBCOMMITTEE ON AGRICULTURAL LABOR,
Washington, D.C., December 12, 1975.

Mr. ROBERT R. WHEELER,
Deputy Commissioner, Bureau of School Systems, U.S. Office of Education, Department of Health, Education and Welfare, Washington, D.C.

DEAR MR. WHEELER: The minority staff of the Committee on Education and Labor has furnished me with a copy of the Office of Education's report on the actions taken in regard to the implementation of policy establishing the eligibility of five-year provision migrant children for funding purposes as per P.L. 93-380.

As I indicated during the oversight hearing on migrant education on November 11, this chronology will be included in the hearing record.

However, we would also like to include in the record copies of several documents which are listed. While Mr. Alford has already provided a copy of the March 14, 1975, Directive to Chief State School Officers, we do not have the three documents described as:

(1) January 18, 1975, Directive to States from Mr. Winford Miller, MSRTS, on validation and status coding of all categories of eligible children including five-year children, agricultural and fishermen;

(2) March 14, 1975, USOE Directive to Mr. Winford Miller concerning modification of MPAS in counting of five-year provision children; and

(3) June 30, 1975, Completion of Program Support Package on Migrant Student Record Transfer System. This package of materials was designed for State use in training project personnel on importance of utilizing the MSRTS for the migrant child's educational continuity. This package included information on the five-year children.

I would appreciate it if you would provide me with two copies of these documents.

With kind regards, I am
Sincerely,

WILLIAM D. FORD,
Chairman.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., December 24, 1975.

Hon. WILLIAM D. FORD,
Chairman, Subcommittee on Agricultural Labor, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. FORD: I am attaching per your request of December 12, 1975 the following documents:

(1) January 18, 1975, Directive to States from Mr. Winford Miller, Migrant Student Record Transfer System on validation and status coding of all categories of eligible children including five-year children, agricultural and fisherman;

(2) March 14, 1975, USOE Directive to Mr. Winford Miller concerning modification of Migrant Program Allocation System in counting of five-year provision children: and

(3) June 30, 1975, completion of Program Support Package on Migrant Student Record Transfer System.

With kind regards, I am
Sincerely,

ROBERT R. WHEELER.

Enclosures.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., March 14, 1975.

Mr. WINFORD A. MILLER,
Administrator, Migrant Student Record Transfer System, State Department of Education, Arch Ford Education Building, Little Rock, Ark.

DEAR MR. MILLER: The following instructions concern the procedures to be followed and the MPAS modifications that are to be made upon receipt of this letter.

1. The system must be modified to check the status flag and reject transactions not containing a valid code. These transactions must be corrected before they can be entered in the data base.

2. Input data resulting from the validation data sent to the States must be re-entered by April 4, 1975. We have instructed the States of this due date and requested they notify you by telephone when the data has been transmitted. Please maintain a log of the States which contacted you in order that followup action can be taken on those that are lagging.

3. It is requested that a modified version of MPAS be run April 30, 1975 and reports forwarded to this office.

4. The modified version of MPAS should perform its calculation as follows:

(*a*) Conditions stated in your letter of January 24, 1975 are to be followed except those regarding five-year students and those with missing status codes.

(*b*) Records not containing a valid status code are not to be counted.

(*c*) Five-year provision children (status code 3 or 6) should be processed as follows:

(1) Enrollments after January 1, 1975, as indicated by the activity data, will not receive any credit.

(2) Students enrolled in 1974 will receive credit only for the period December 5–31, 1974. (25 days)

(3) Current five-year provision children who were active migrants during 1974 and had a status change to five-year during the year will receive credit for a full year providing they had a transaction within each 12 month period.

Your prompt attention in seeing that these procedures and modifications to MPAS are carried out is greatly appreciated.

Sincerely yours,

(S) John H. Rodriguez
JOHN H. RODRIGUEZ,
Associate Commissioner for Compensatory Educational Programs.

ESEA TITLE I, PROGRAM DIRECTIVE

STATE ALLOCATIONS OF ESEA, TITLE I MIGRANT PROGRAM FUNDS

Type and number of directive, inst. M302–21. Date signed, March 14, 1975. Issuing office, DED/MB.
Reference: Public Law 93–380, Section 122(b)
To: Chief State School Officers.
Purpose: This Instruction transmits procedures to be used for State validation of migrant student records for ESEA, Title I Migrant Program State allocation determinations for fiscal year 1976.

This is to inform you of the action to be taken by the Office of Education in the computation of allocations to States for programs to meet the special educatinal needs of migratory children of migratory agricultural workers and migratory fishermen as prescribed by Title I of the Elementary and Secondary Education Act, as amended by Public Law 93–380.

Section 122(b) requires that ". . . the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students."

The Migrant Program Allocation System (MPAS) determines the number of actual migratory children by full-time equivalency based on residency from cumulative data collected throughout the entire previous calendar year (January 1 to December 31).

Because of the inequities resulting from the use of Department of Labor data, which counts workers and not children and in the absence of any other system which more accurately and fully reflects the actual number of migrant students, data from MPAS for the preceding calendar year will be used for fiscal year 1976 and subsequent fiscal years through June 30, 1978, for the purpose of determining the amounts to be made available for grants to State educational agencies for programs for migratory children under Title I.

The procedures described in this directive will affect your State allocation of Migrant Program funds in fiscal year 1976. These procedures are necessary in order to obtain, as accurately as possible, data concerning the migrant student population you serve. These data provide the basis for MPAS.

Currently, your State has in its possession a listing of migrant students which were transmitted by the Arkansas central depository for purposes of validation and deletion of duplicate records. Attention should be directed to those records which contain incomplete data on the following: (a) Birthdates, (b) Enrollment Dates, (c) Migrant Status (Item 13)[3]

The SEA must notify all of its participating LEAs or agencies serving eligible children under this title that the aforementioned items and status codes must be recorded on the record form. Failure to record these items will result in the enrollment not being accepted by the computer in Arkansas.

State terminal operators should be instructed to enter only those records which have been properly validated and coded. Incomplete records should be returned to the school with appropriate instructions for their resubmittal.

The results of this validation and updated information are to be transmitted via your State MSRTS terminal prior to April 4, 1975. Instructions have been issued to the Arkansas depository to process the allocation system as of this closing date and the results be transmitted to the U.S. Office of Education for determining budget and State allocations.

Please contact Mr. Winford Miller by telephone when such information has been transmitted. This process will enable the Arkansas depository to keep a record of States which have completed their validation effort.

Your prompt attention in seeing that these instructions are carried out will be appreciated.

JOHN H. RODRIGUEZ,
Associate Commissioner for
Compensatory Educational Programs.

LIST OF STATES THAT COMPLIED WITH THE PROGRAM DIRECTIVE INST. M302-21, DATED MARCH 14, 1975

Arkansas, Georgia, Indiana, Maine, Minnesota, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Washington, and Wyoming.

REASONS FOR VALIDATION NOT BEING COMPLETED

1. The states did not understand that the validation process was to include calendar year 1973 and 1974. Therefore, most of them only validated and placed a status flag code on the records for calendar year 1974 only.

2. States have said that the Program Directive led them to believe that only 1974 was necessary. Their reasoning for this is the following paragraph:

> The Migrant Program Allocation System (MPAS) determines the number of actual migratory children by full-time equivalency based on residency from cumulative data collected throughout the entire previous calendar year (January 1 to December 31).

3. Status flag did not exist in calendar year 1973. Therefore, many states felt it was not necessary to go back and place a status in this calendar year.

4. States with only summer schools for 1973 and 1974 were closed and in many cases the available teachers did not have the information necessary to make a determination.

---

[3] Codes for Item 13: Put a "1" if child is Interstate-Agricultural, put a "2" if child is Intrastate-Agricultural, put a "3" if child is Five-year provision-Agricultural, put a "4" if child is Interstate-Fisherman, put a "5" if child is Intrastate-Fisherman, put a "6" if child is Five-year provision-Fisherman.

5. Some children did not return also for summer school for 1974 or the fall term of 1974; therefore, the schools did not have the data to make a determination on the status.

6. Some states said it was impossible to do their validation and have them completed by April 4 and keep up with their regular work.

7. Some states were under the impression that since all would be funded equally that they were questioning the need for even having the status field in at all.

8. There were some states which did not even have a terminal operator to do this work. These were Tennessee, part of Alabama, North Dakota and Kentucky.

9. There were some states with only part time operators. These were Connecticut; Delaware; Illinois; South Carolina; Louisiana; Pennsylvania; Nebraska; Henagar, Alabama; Vermont; South Dakota; Kentucky; Utah and Neveda.

10. There are some states that operate and send in data only in the summer. These were Nebraska; Henagar, Alabama; Utah; Minnesota—May through August; Louisiana—March through October; Pennsylvania—May through September.

MIGRANT STUDENT RECORD TRANSFER SYSTEM

REFERENCES

Law.—Public Law 93–380, Section 122(a)(1)(A) and (B) of the Elementary and Secondary Education Act of 1965, as amended.

Regulations (Proposed).—45 CFR Part 116d 39(f).

OUTLINE

1. This presentation was prepared in cooperation with the Migrant Branch and the State of Arkansas Department of Education, Migrant Student Record Transfer System.

2. Public Law 89–750, passed November 3, 1966, included the requirement that the records of migrant children be transmitted from school to school. The same requirement is included in the Education Amendments of 1974.

3. This presentation will briefly describe the MSRTS. More technical information is available in each State's Migrant Education Program Office. In each State Office are located 42 slide and tape modules which range in depth of information from an overview of the system to the training procedures for the record's clerk.

WHAT THE SYSTEM IS

4. The Migrant Record Transfer System is a computerized data system which can provide academic and health information on any migrant child to any State and Puerto Rico within 24 hours. The MSRTS was designed to permit schools to share the accumulated understanding of many prior schools about the migrant child and his needs. This shared migrant student information tends to free the school to focus its energy on serving a child's needs instead of using it to identify those needs.

5. The major purpose of the Record Transfer System is to make educational and related information on any child available to any school in any of the 49 cooperating States and Puerto Rico within the shortest time possible. Using this computerized system, a school official may contact the teletype terminal operator by telephone and request information on a migrant child. If the child has never been enrolled in a Migrant Education Program, the computer will use data supplied by the terminal operator to initiate a new record for the child and personnel will mail the record to the school in which the child is enrolling.

WHY IT CAME INTO EXISTENCE?

6. The need for an effective system of transferring migrant student information from school to school has long been recognized. During the late Fifties and throughout the Sixties various attempts were made to create and use migrant student records, to process them manually and to transfer them by U.S. Mail. These attempts, though never really meeting the informational needs, laid the groundwork for the present system. The State Directors of Migrant Education

realized that the problems of providing migrant students with appropriate academic and basic health care services was insurmountable unless supported by a meaningful student record and an effective system of transfering that record. The State Directors recognized Migrant Program difficulties stemmed from the lack of adequate information concerning individual Migrant students at the school plant level. Given funds to create and implement programs in Migrant Education, State Directors were still faced with the problems associated with the mobility of Migrant families.

7. Teachers could not implement effective programs for a migrant student until they knew generally that student's academic strengths and his needs. By the time that a teacher became familiar enough with the individual student to assess and help him meet his educational needs, that student had moved on. His next teacher must then begin the cycle again—all with little progress to show. Health care programs experienced dilution of effectiveness because of redundant activities required in the absence of information. Multiple diagnoses of the same condition in the student occurred because each health care program had to begin at the beginning with screening exams. Often the migrant child had moved on before the results of such exams could be used as a basis for prescribing and administering treatment. Follow-up treatments at successive schools were almost nonexistent. The best desires of teachers, nurses, administrators, and program workers were often frustrated.

WHEN IT STARTED

8. In 1968, the State Directors of Migrant Education started trying to solve the problem. They set top priority on the development and implementation of a single uniform record transfer system that would serve all States. To facilitate action, the States appointed a working committee of State Directors called the Record Transfer Committee and charged that committee with the responsibility of initiating and coordinating such a project. The first task was the creation of a Record Transfer whose contents were both meaningful with respect to the migrant student and acceptable to all States. After concurring upon the record, the directors then approved a preliminary design for an automated system to house and transfer the record. Following this action, the States then unanimously agreed to contribute a percentage of their State Migrant program allocation for the implementation and operation of the record transfer system.

9. In 1969, the Arkansas State Department of Education, by competitive bid, was awarded the contract for implementing the National Record Transfer System for the participating 48 States by USOE. In the first year, FY 1970, the Arkansas State Department completed the design for MSRTS and built an operational facility. In the second year, FY 1971, the process of bringing all participating States into the System was begun.

10. The third year, FY 1972, was the first year of full-scale operation. The number of children now active on the databank is shown on the slide.

WHO IS SERVED?

11. The students covered by MSRTS have been certified by the various State Departments of Education as being the children of migratory workers who follow the crops in search of agricultural work or as being children of migratory fishermen. Migrating workers can be either guardians or parents. Generally speaking they travel in three streams; up from Florida along the Atlantic Coast, up from Southern California along the West Coast, and up from the Gulf Coast of Texas and forking in two directions—one into Colorado and the Mountain States, the other into the Great Lakes Region. These routes are not hard and fast, of course; the course is instead set by what becomes necessary. In any event, most of those who move North from Florida are black and Puerto Rican, and the majority who travel the Western routes are Mexican-Americans, though in all three streams there may be heavy mixtures of poor white families, Indians, and Orientals. On the slide is the definition which is used in placing children in Migrant Education Programs: (This will probably change with the publication of the new regulations pursuant to PL 93-380).

12. Formerly Migratory—(5 Year Migrant)—A child who has been an interstate or intrastate migrant as defined previously but who has ceased to migrate within the last 5 years and now resides in an area in which a program for migratory children is now provided.

13. Parents or guardians have to give permission for the child to participate in a Migrant Program for formerly migrants and therefore, be covered by MSRTS. A school representative has to certify the migrant status of the student.

HOW DOES IT WORK?

14. There are 4 major elements in the MSRTS: people, schools, terminals, and the depository. When a student arrives at school, and the school decides the child may be a migrant, the school collects his or her basic identifying data. This data, together with enrollment data, is relayed by phone or mail to the nearest terminal where the terminal operator prepares a paper tape message concerning that student. The paper tape message is then transmitted to the depository by teletype. The depository computer checks its files to determine whether the student is already on the data base. If the child is on the data base, then the computer places the new enrollment data in his record. The computer then extracts from the student's record, a set of data known as critical data and transmits this data back to the terminal operator by teletype who in turn relays this data to the school by phone or mail. Critical data is simply that data on the student's record which the State Directors have defined as critical to the initial placement and care of the migrant student. If the student was not on the data base, then the computer will use the basic student identifying data and enrollment data to create a record for the student. As the student then moves from school to school, this record will remain on the data base until the student is terminated as a migrant student. Whether the student was already on the data base or not, a transfer record is printed in triplicate and airmailed directly to the school within 24 hours. Then the school personnel know that the data was entered correctly.

15. Thus, the school receives available critical data over the telecommunications network and indepth data by mail. In this way, the high cost of data transmission is minimized. When the transfer of the complete record arrives at the school, one copy normally goes to the student's teacher, a second to the school nurse, and a third is retained in the school's files. School personnel will then maintain the record by submitting update data to the depository. As test scores, health data, program data, or other information, such as withdrawal and attendance data are generated, this data is relayed to the terminal operator (T.O.) who transmits the updated messages to the depository. The computer enters the new data in the student's record and once again prints the updated record which is then airmailed back to the school. In this way the schools will always have a computer generated copy of the very latest informaiton for each student.

Three major kinds of data are provided upon request to schools.

16. 1. *Critical Data.*—Critical data is an automatic function of the computer upon the enrollment of any migrant child in the data bank. These items will be sent to the T.O. via teletype upon the processing of each enrollment transaction. These items are listed on the slide.

17. 2. The Uniform Migrant Student Transfer Form (TR) which is the System cumulative record is sent by U.S. mail to each student's present school of enrollment. The TR is usually received by the requesting school in about 3 days of its request for the record. This record contains the type of information shown on the slide.

18. 3. The Uniform Migrant Student Medical Transfer was designed to be used by medical professionals in reporting medical abnormalities about each migrant child whom they serve. This record contains a detailed medical problem list that was designed and sanctioned by the American Academy of Pediatrics. It is a unique provision of MSRTS to enable the medical profession to rapidly communicate from one community to another the medical problems and precise treatment status of migrant children.

19. Title I personnel can receive records of migrant students even if the school is not designated as a migrant school. If a child enrolls who may be a migrant, the local Title I Director should contact the State Migrant Coordinator. The State Coordinator will assign the school a number and give the local person the phone number and address of the appropriate terminal. Then the Title I Director can call, if he is willing to pay the charges, or he [illegible] send a card requesting information. If a migrant child is leaving a nonmigrant school, Title I personnel can help the child by again contacting the State Migrant Coordinator. The Coordinator will assign the school a number, send out the necessary forms to the

school, request the school personnel to fill out the forms and mail to the appropriate terminal operator. Then when that migrant child reenrolls in school his record will be available to better meet his needs.

WHERE IS IT LOCATED?

20. The Migrant Student Record Transfer System is headquartered in Little Rock, Arkansas. The administrative offices are located in Suite 226 of the National Old Line Building, but remain a component of the Department of Education, State of Arkansas. The dedicated computing facility is located in the National Old Line Building, Room 340.

21. The Migrant Student Record Transfer System (MSRTS) offers a broad range of multiple uses for administrators and educators of migrant education projects. Through optimum use of the system, the continuity of the child's education can be maintained; the special interest and needs of the child can be identified; special health conditions can be acknowledged, the student can be readily placed in a suitable curriculum sequence, the services of other schools and community resources can be coordinated; and children eligible for services can be identified and recruited. Funds are also now going to be allocated on the basis of the numbers generated by the MSRTS rather than those by the Department of Labor.

In summary, one of the basic functions of the Migrant Student Record Transfer System is to acquaint program personnel with the academic background, the health needs, and the special interests of the migrant child. With access to this information, migrant educators are better able to plan for the totality of the students' needs rather than waiting for an extended period while they perform their own needs assessment or obtain the cumulative records from schools the child previously attended. Often during this period, the child moves before either task can be completed. Therefore, rapid transmission of the student's profile is of critical importance for both students and educators.

MIGRANT STUDENT

RECORD TRANSFER

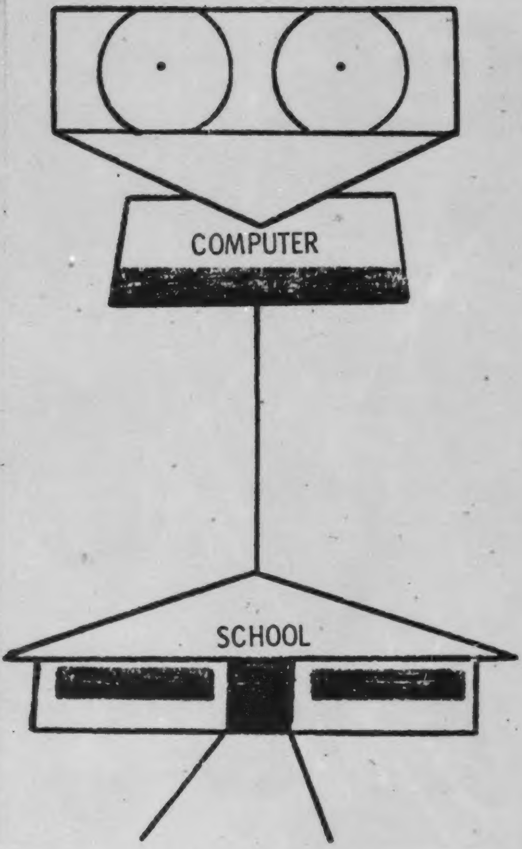
SYSTEM

PUBLIC LAW 89-750 November 3, 1966

FIRST PROGRAMS FOR THE EDUCATION OF MIGRANT CHILDREN

INCLUDED THE REQUIREMENT . . . "THAT PERTINENT INFORMATION WITH RESPECT TO SCHOOL RECORDS OF SUCH CHILDREN BE TRANSMITTED."

SAME REQUIREMENT IN EDUCATION AMENDMENTS OF 1974


COMPUTER
SCHOOL

1. WHAT THE SYSTEM IS
2. WHY IT CAME INTO EXISTE
3. WHEN IT STARTED
4. WHO IS SERVED
5. HOW DOES IT WORK
6. WHERE IS IT LOCATED

PURPOSE OF THE SYSTEM

TO BETTER MEET THE
ACADEMIC AND HEALTH NEEDS
OF MIGRANT CHILDREN

PROBLEM OF PROVIDING MIGRANT CHILD WITH ACADEMIC AND BASIC HEALTH SERVICES WAS INSURMOUNTABLE UNLESS

(a) Supported by a meaningful student record and

(b) An effective system of transferring that record

Teachers needed to know the students' academic strengths and weaknesses

Nurses needed to know about the students' health problems

Solution required the voluntary cooperation and interaction of forty-eight State agencies

1968 - Phoenix, Arizona
Eight State Committee Initiated

1969 - Denver, Colorado
State Coordinators Review First Record

1969 - Atlantic City, New Jersey
State Coordinators Accept First Uniform
Records - Set Aside for Data Bank

1970 - Monterey, California
Set Aside Voted for Communications
as well as Data Bank

September 1970 - Pilot States go on Data Bank

February 1971 - Western States go on Data Bank

March 1971 - Midwestern States Join

May 1971 - Eastern States Join

July 1971 - Summer States Join

October 1971 - 162,000 Children Active on Data Bank

July 1972 - 311,371 "

July 1973 - 413,813 "

July 1974 - 437,661 "

April 1975 - 453,269 "

I. Migratory Children of migratory agricultural workers or migratory fishermen are children who have moved with their family from one school district to another during the past year

   A. Interstate Migrant

      A Child Who Has Moved Across State Lines

   B. Intrastate Migrant

      A Child Who Has Moved Across School District Boundaries

II. Formerly Migratory (5-year migrant)

   Children Who Have Ceased Migrating Within the Past Five Years; Now Resides Where There Is a Migrant Project or Program

TO BE COVERED BY M. S. R. T. S.

1. Permission of Parent or Guardian

2. Certification by School Representative that Child is a Migrant

FOUR MAJOR ELEMENTS

PEOPLE

SCHOOLS

TERMINALS

DEPOSITORY

CRITICAL DATA

USUALLY WITHIN 24 HOURS

OTHER ACADEMIC AND HEALTH DATA

USUALLY WITHIN 3 TO 4 DAYS

CRITICAL DATA

1. Student Identification Data
2. School Identification from which Child Came
3. Special Program Information
4. Chronic Condition Information
5. All Abnormalities in Health Matrix Dealing with Blood Pressure and Tuberculosis

UNIFORM MIGRANT STUDENT TRANSFER FORM

Name	Birthdate	City of Birth	Home Base Ci Student No.

School History Data
  Date Entered and
  Date Withdrew

School Health Data
  Physical Exam
  Immunizations
  Speech and Hearing

Parent Data
  Name
  Address

Most Recent Migran
Project Sch
  Special Program
  Special Interest

Test Data

MEDICAL TRANSFER FORM

UNIFORM MIGRANT STUDENT MEDICAL TRANSFER FORM

me	Birthdate	City of Birth	Home Base City

Current School Date

Parent Date
Name
Address

School Health Data
Physical Exam
Immunizations
Speech and Hearing

Health Problem List
Problem Data
Treatment Data

LEA PERSONNEL IN
NON-PROJECT SCHOOLS
IN BOTH HOME-BASED AND
RECEIVING STATES SHOULD

1. Identify Migrant Students
2. Initiate Coverage
3. Update Record
4. Request Record

SYSTEM HEADQUARTERED IN
LITTLE ROCK, ARKANSAS

TERMINALS LOCATED ACROSS THE
COUNTRY SO THAT EVERY SCHOOL
DISTRICT HAS ACCESS TO ONE

SUMMARY OF USES

1. Identifying and Recruiting
2. Coordinating Schools
3. Planning of Programs
4. Obtaining Other Agency Services
5. Developing Specialized Programs
6. Generate Numbers of Migrant Students for Funding Purposes

FEBRUARY 3, 1975.

METHOD FOR CALCULATING RESIDENCE DAYS

MPAS

MPAS recognizes two categories of migrant children: (1) the "true" migrant and (2) the "5-year" migrant. The "true" migrant is defined as one who crosses a school *district* boundary once in a twelve month period. Within the category of "true" migrants, there are Inter-state and Intra-state, such classification determining which state is allocated funds for a given student. The "5-year" migrant is one who has settled out of the migratory stream and, by his continued attendance in the same district (hereinafter referred to as "subject district"), has assumed "5-year" status. The beginning of his "5-year period" is a date 365 days forward from his *least* recent enrollment in subject district.

In determining FTE's, "5-year" migrants are treated the same as "true" migrants for a period of 60 months (5-year period). At the end of this period, these students will no longer be awarded residence credit.

The following methodology is applicable for both "5-year" and "true" migrants.

(a) An FTE (Full Time Equivalent) is determined by dividing the accumulated residence days (credit) by 365. Since credit is not granted for periods in excess of 365 days, the maximum FTE awarded, for any given child, will be less than or equal to one.

(b) An "accounting period" is defined as a contiguous time frame (usually 12 months) during which the *residence days* in a given district, as implied by enrollment histories (*enrollment to enrollment*), are used to determine FTE's.

(c) A time frame known as a "Residence Period (RP)" begins with the *enrollment* of a student in a state and will terminate upon one of three (3) conditions: (1) a subsequent enrollment, (2) the expiration of 365 days, or (3) the end of the accounting period.

Note: In *no* case shall credit be granted for that portion of the RP that exceeds 365 days.

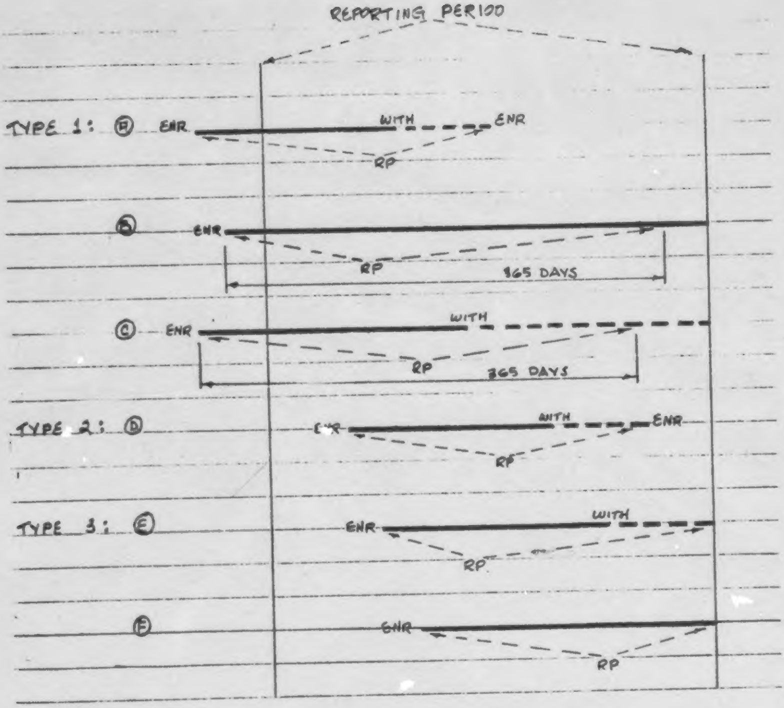
We will be dealing with three types of RP's:

1. An RP which started prior to and continues into the accounting period
2. An RP which both started and terminated during the accounting period
3. An RP which started during the accounting period and was terminated by the end of the accounting period.

Examples are given on the attached sheet.

All Residence Periods (RP's) are evaluated according to the following criteria. (1) Only that portion of the RP that is within the Accounting Period (AP) will be counted toward FTE credit and, further (2) only those children between the ages of five (5) and seventeen (17), inclusive, will be considered for credit. In the case where the fifth (5th) or eighteenth (18th) birthday occurs during the Accounting Period, only that portion of an RP including and folowing the fifth (5th) birthday and prior to the eighteenth (18th) birthday will generate FTE credit. (3) For those students whose 60 month period expired or (4) who were terminated during the period, then residence credit will be awarded for the RP under consideration up to and including the end of the 60 month period or termination date, respectively.

NOTE.—In the case where the time frame *between* the *beginning* of *consecutive* RP's exceeds 365 days, *no* credit will be granted for that portion of the time frame in *excess* of 365.



EXCEPTIONS FOR THE MPAS 1974 RUN

Any student's record that does not contain a valid status code, i.e., codes 1 thru 6, will *not* be awarded *any* residence credit irrespective of the true status of such record or presence of appropriate enrollment histories. This simply means that the *status code* on the student's record, whether a "5-year" or "true" migrant, *must* indicate a value in the range 1 thru 6, inclusive. The status code is transmitted from the school to the data bank via the terminal operator. It is *not* automatically "set" based on enrollment histories, or some other circumstance transpiring at the depository.

The following exceptions exist only for children whose status code is either a three (3) or a six (6). These children are 5-year provision children by virtue of the status code.

1. Any student's record whose *generation*[1] date is after December 31, 1974 will *not* receive any credit, irrespective of the *actual* date of enrollment at the participating school.

Note: This is in contrast to the similar situation concerning "true" migrants. A "true" migrant, even though his *generation*[1] date is after December 31, 1974, *will* be awarded credit if the *actual* enrollment date encompassed any portion of calendar year 1974.

2. Any student's record whose *first* enrollment (first placed on the data base and assigned a student number) was during calendar year 1974 and whose

---

[1] The "Generation Date" is the date the student was first placed on the data base in Little Rock and assigned a student number. Example: An enrollment for Juan Garcia covering the period September 20, 1974 through November 12, 1974 is transmitted to the depository on January 6, 1975. This delay may have been the result of a backlog of work either at the school or the terminal operator station. The enrollment transaction is *processed* on January 6, 1975 and Juan Garcia, since he does not have an existing record, is assigned a student number and a record is "generated" on the data base. The "Generation Date" recorded is the date of *processing* (January 6, 1975) *not* the enrollment date (September 20, 1974).

status code is either three (3) or six (6) will receive a *maximum* residence credit of 27 days. This 27-day period is from December 5 through December 31, 1974, inclusive. If such enrollment occurred after December 5, 1974 and prior to January 1, 1975, then the fractional part of the 27-day residence credit will be awarded based on the actual date of enrollment.

3. Any student's record whose status code contains a three (3) or a six (6) and whose earliest enrollment date is prior to *January 1, 1974*, will receive a full 365 days credit *provided* that the time span between consecutive enrollments did not exceed 365 days. In the case where the time span between consecutive enrollments exceeds 365 days, that period of time in excess of 365 days will be deducted from the maximum allowable credit. For example, a student whose current status can be determined as being 5-year and whose enrollment immediately preceeding the accounting period was June 1, 1973, established eligibility for 365 days credit beginning June 1, 1973. If the next enrollment was September 1, 1974, then 15 months would have lapsed between consecutive enrollments. He would be given residence credit from January 1, 1974, through May 30, 1974 and from September 1, 1974 through December 31, 1974 for a total of 9 months. No credit would be awarded for the period June 1, 1974 through August 31, 1974. If a subsequent enrollment had occurred prior to June 1, 1974, then residence credit would have been awarded for the full 365 days. Therefore, it is possible for a 5-year provision child to be awarded up to 365 days residence credit under the above conditions while under item 1 above he would be awarded no credit and under item 2 he would be awarded a maximum of 27 days credit.

The above paragraph and items 1 and 2 immediately preceeding refer only to 5-year provision children.

UNITED STATES GENERAL ACCOUNTING OFFICE

REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES

Evaluation Of The Migrant Student Record Transfer System

Office of Education

Department of Health, Education, and Welfare

This report points out that the Migrant Student Record Transfer System provides a more reliable basis for allocating migrant program funds under title I of the Elementary and Secondary Education Act of 1965, as amended, than did the previously used method. The report also shows that the Office of Education did not provide funding for certain migrant children in fiscal year 1975, though required by the Education Amendments of 1974.

MWD-76-21

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. [illegible]

B-164031(1)

The Honorable Albert H. Quie
House of Representatives

Dear Mr. Quie:

This is our report on the Migrant Student Record Transfer System which is funded under title I of the Elementary and Secondary Education Act of 1965, as amended. Title I is administered by the Office of Education, Department of Health, Education, and Welfare.

The report was prepared pursuant to your request of August 1, 1974. Informal comments were obtained from agency officials and incorporated herein. Copies of the report will be provided to the Secretary of Health, Education, and Welfare 2 days after the date of the report.

Sincerely yours,

Elmer B. Staats

Comptroller General
of the United States

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ABBREVIATIONS

GAO	General Accounting Office
HEW	Department of Health, Education, and Welfare
OE	Office of Education

COMPTROLLER GENERAL'S
REPORT TO THE
HONORABLE ALBERT H. QUIE
HOUSE OF REPRESENTATIVES

EVALUATION OF THE MIGRANT
STUDENT RECORD TRANSFER
SYSTEM
Office of Education
Department of Health,
Education, and Welfare

DIGEST

GAO evaluated the adequacy of the Migrant Student Record Transfer System as a basis for allocating migrant program funds under title I of the Elementary and Secondary Education Act of 1965. The Arkansas State Department of Education operates the system under contract with HEW's Office of Education. (See p. 1.)

The Education Amendments of 1974 provide that, in determining the number of migrant children on which allocations to States are based, the Office of Education should use statistics generated by the system or another more reliable method.

In November 1974 it approved the use of the system, primarily because:

--Department of Labor data, which had been used in the past, was not accurate. (See p. 4.)

--A validation study of the system, completed in March 1974, indicated that it was more accurate. (See p. 5.)

Comparing the methodology used to derive estimates from Labor's data with that used for the system, GAO found the latter provides a more reliable basis for estimating migrant program allocations. The accuracy of the system, however, has not been established because the validation study did not provide an adequate basis for assessing it.

Allocations for title I migrant programs for fiscal year 1975 totaled about $92 million. Using the system data resulted

Tear Sheet. Upon removal, the report cover date should be noted hereon.

in 15 States receiving about $13 million more than they would have received had Labor's data been used. (See p. 12.)

The Education Amendments of 1974 provide that, in determining title I migrant allocations, the Office is to count migratory children of migratory fishermen and formerly migratory children. The latter are children who have ceased migrating but who, with the concurrence of their parents, are still eligible for program benefits up to 5 years.

According to the Office, migratory children of migratory fishermen and formerly migratory children were not counted for fiscal year 1975 because accurate estimates of their numbers and locations were not available.

The Office did have current estimates, however, which officials believed were conservative. These estimates showed a total of 275,000 formerly migratory children and 12,000 migratory children of migratory fishermen. (See pp. 13 and 15.)

GAO concluded that the Office should have included some estimate of the number of these migrants in the funding base for fiscal year 1975. For the fiscal year 1976 migrant program allocations, the Office did provide an estimate.

CHAPTER 1

INTRODUCTION

At the request of Congressman Albert H. Quie, we have reviewed selected aspects of the Migrant Student Record Transfer System. Mr. Quie asked us to determine the system's accuracy and efficiency, the degree of participation in the system, and other relevant information.

We particularly looked into the use of the system for determining the number of migratory children upon which fund allocations to the States and the District of Columbia [1] are based under title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241b). Under title I, grants are made to the States for programs and projects to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

A BRIEF HISTORY OF THE SYSTEM

The Migrant Student Record Transfer System is a national automated telecommunication system which provides academic and other information on migrant children to participating schools on request. The system was developed to satisfy the need for providing timely academic and health information on migrant children to schools the children enter as they migrate. Previously, the school and health records of migrant children often arrived too late to be of any use to teachers and school nurses in the placement and health care of these children.

In fiscal year 1975, about 8,800 schools in 48 States had access to the national data bank through 140 computer terminals strategically located throughout the country. The data bank--which has on file the records of more than 500,000 migrant students--is located in Little Rock, Arkansas, where the system is maintained and operated by the Arkansas State Department of Education under contract to the Department of Health, Education, and Welfare's (HEW's) Office of Education (OE).

Essentially the system works as follows:

1. The State or local education agency recruits and enrolls a child in a local migrant education program.

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[1] For allocation purposes the District of Columbia is treated as a State.

2. Key personal data on the child and academic and health data, if available, is transmitted to a terminal operator by telephone or mail.

3. The terminal operator transforms the information into a punched paper tape and transmits it to the national data bank in Little Rock via a teletype terminal.

4. If data on the child is already recorded in the system, his record is extracted from the data base and forwarded by mail to the school.

5. If it is determined that the child is being enrolled for the first time, he is assigned a permanent student number and the information is stored in the computer data base.

6. When the child moves on, the local education agency updates his academic and health data and he is withdrawn from the local program.

7. The updated information is transmitted to Little Rock via the terminal operator.

8. When the child enrolls in a different school, the cycle is repeated.

The system became fully operational in fiscal year 1972. Costs are covered under an arrangement using title I funds whereby the States provide a portion of their allocation for the migrant program to the Commissioner of Education for operating the system. Through fiscal year 1974, an average of $1.4 million has been spent annually for developing and operating the system.

Impact of the Education Amendments of 1974

The Education Amendments of 1974 (Public Law 93-380, enacted August 21, 1974) amended title I to provide that in determining the number of migrant children on which allocations to the States are based:

> "* * * the Commissioner [of Education] shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students."

Before the 1974 amendments were enacted, title I migrant funds were allocated to States on the basis of the number of (1) migratory children, aged 5 to 17, whose parents were migratory agricultural workers and who resided in the States full time and (2) the full-time equivalent of such children, who resided there part time. The amendments expanded coverage for allocation purposes to include migratory children of migratory fishermen and formerly migratory children. The latter children are those who have not migrated for at least a year but who, with the concurrence of their parents, are still deemed to be migrants and are eligible for title I benefits for up to 5 years after they cease migrating.

The 1974 amendments also provide for treating Puerto Rico as a State for the purpose of fund allocations. Additionally, for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, an allocation is authorized of up to 1 percent of the total appropriated for migrant programs in the States and Puerto Rico.

On November 14, 1974, the Commissioner approved the use of the system for determining fiscal year 1975 allocations to the States. For this purpose, a migrant program allocation subsystem was developed which essentially extracts from the system's data base that information critical to computing the allocations.

SCOPE OF REVIEW

Our review was made primarily at OE headquarters. Additionally, we visited the system's center of operations in Little Rock. Our work there primarily involved discussions with Arkansas State Department of Education employees and a consultant whom OE relies on to monitor the system. Also, as agreed with Mr. Quie's office, much of our work involved evaluating a recent validation study of the system.

CHAPTER 2

ADEQUACY OF THE SYSTEM FOR ALLOCATION PURPOSES

OE's decision to use the system's data as a basis for allocating fiscal year 1975 title I migrant funds to the States was based to a large extent on

--the inadequacy of Department of Labor statistics which had been used in the past for this purpose and

--a recent validation study which indicates that the system would probably provide an adequate basis for estimating total funding under the title I migrant program.

We compared the methodology used to derive estimates from the system with that used for the Labor data and found that the system would probably provide a more reliable basis for estimating migrant program allocations. The accuracy of the system, however, has not been established because the validation study did not provide an adequate basis for assessing it.

The Arkansas State Department of Education recognizes that the system has inaccuracies and has taken steps to correct them.

ESTIMATES USING LABOR DATA

OE believed that estimates from Labor data were not accurate. For example, using system data, OE estimated the number of full-time equivalent migrant students, aged 5 to 17, to be about 212,000 for calendar year 1973. Conversely, using Labor data for the same period, OE estimated there were about 67,000 such students.

The Labor data is based on the monthly "In-Season Farm Labor Report" submitted by the States. These reports are compiled by reporting areas within the States and provide, among other things, estimates on the number of interstate and intrastate migratory farm workers. OE's reasons for believing that this data is not adequate for fund allocation purposes include:

--The reports provide data on farm workers rather than children.

--The procedures used to arrive at estimates are discretionary.

--State reporting areas are not required to report if the total number of migratory farm workers employed is less than 500.

--Farm workers living at home in their base State are not classified as migrants.

To convert migratory adult workers to children, OE applied a factor of three-quarters to the number of adult workers. The factor was estimated in part from statistics and comments of individuals from Labor and the Department of Agriculture. We did not evaluate the suitability of this factor, and an OE official told us that no such evaluation has been made since the factor was developed in 1966.

VALIDATION STUDY

An OE validation study, completed in March 1974, was a joint effort by OE migrant program personnel, State migrant program personnel, and an OE consultant. The study was made to determine the suitability of statistics generated by the system for allocating title I migrant funds. Specifically the study was to determine the degree to which the system's data represented actual migrant children at various schools throughout the country. The methodology of the study basically involved comparing a physical count of migrant children attending selected schools on a given date with the information in the system's data base. At the time of the study, only data on migratory children of migratory agricultural workers was permitted to be placed in the system.

The study covered 17 States and included a sample of 29 schools 1/ having a total of 1,865 migrant students. A summary comparison of the physical head count at these schools with the number of students shown by the system's data base follows.

1/The term "school" as used in the study may refer to a school district, a school building, or some other classification.

Location	(1) Head count	(2) System count (note a)	(3) Difference (2)-(1)	(4) Percent difference (3)÷(1)	(5) Identical matches between head and system counts (note b)	(6) Head counts unmatched (1)-(5)	(7) System count unmatched (2)-(5)	(8) Percent unmatched (note c)
Idaho	60	60	-		60			
Missouri	60	60	-		60			
New Mexico	35	35	-		35			
Illinois	15	15	-		15			
Missouri	12	12	-		12			
Florida	4	4	-		4			
Florida	168	168	-		163	5	5	5.8
Mississippi	89	89	-		85	4	4	8.6
Florida	246	243	-3	-1.2	239	7	4	4.4
Texas	337	342	5	1.5	310	27	32	16.0
Arizona	64	63	-1	-1.6	59	5	4	13.2
Washington	100	103	3	3.0	99	1	4	4.8
Arizona	33	32	-1	-3.0	32	1	-	3.0
North Carolina	61	59	-2	-3.3	57	4	2	9.5
California	154	147	-7	-4.5	142	12	5	10.7
New York	61	56	-5	-8.2	52	9	4	20.0
Idaho	10	11	1	10.0	10	-	1	9.1
California	36	32	-4	-11.1	26	10	6	38.1
Texas	57	50	-7	-12.3	40	17	10	40.3
California	26	22	-4	-15.4	22	4	-	15.4
Maine	46	58	12	26.1	39	7	19	40.0
Alabama	58	45	-13	-22.4	44	14	1	25.4
Washington	13	10	-3	-23.1	8	5	2	46.7
New Mexico	20	27	7	35.0	19	1	8	32.1
West Virginia	23	17	-6	-26.1	17	6	-	26.1
Ohio	27	39	12	44.4	25	2	14	39.0
North Carolina	21	31	10	47.6	21	-	10	32.3
Florida	26	11	-15	-57.7	9	17	2	67.9
Wisconsin	3	7	4	133.3	-	3	7	100.0
Total	1,865	1,848	-17	-0.9	1,704	161	144	15.2

a/Adjusted by the study group for out-of-date records and inconsistencies in the survey's methodology at certain schools.

b/Identical matches are those where the children in the system and the children identified by the head count are the same. Columns (1) and (2) are a numerical comparison only.

c/((6) + (7)) ÷ ((5) + (6) + (7)).

The average difference of -0.9 percent indicates that if the system were used for computing title I allocations, total program funding would probably be underestimated by a relatively small amount. For individual schools, however, the study showed that differences varied greatly between the head count and the system count. For example, one school in Florida showed a discrepancy of -57.7 percent, and a school in North Carolina showed a discrepancy of +47.6 percent.

Concerning the accuracy of these projections, the study recognized that the statistical samples taken in the States were too small to make a valid statement concerning the expected accuracy of allocations to individual States. For the -0.9 percent variance for the total program allocation, the study group felt that, statistically, a level of confidence could not be attached to the projection because of errors made by the survey teams during the head count.

The study showed that 84.8 percent (100-15.2) of the total number of students found during the head count and in the system's data base were identical matches. Although this analysis has no direct bearing on the accuracy of the system as a funding instrument, it does indicate the integrity and reliability of the system as a whole. That is, the -0.9 percent difference did not result from a chance numerical matching of different children.

The study group also made the following general observations or conclusions:

--No evidence was found during the survey which indicated the deliberate insertion of fictitious student records into the system. On the contrary, the survey indicated that many schools were not enrolling as many students as they could.

--No evidence was found that the computer system at Little Rock was responsible for inaccuracies in data handling. The cause of the inaccuracies in the data base sample can be traced back to the project schools and the terminal operators.

--Use of the system as a basis for allocating funds should improve its accuracy because inaccuracy would be a disadvantage to the States.

In addition to the errors made by the survey teams during the head count, the study's methodology was biased in several ways which had an indeterminate impact on the findings. OE recognized these biases and said they resulted primarily from funding and timing constraints. The biases included the following:

--Schools were excluded which had an expected enrollment of less than six children.

--The greatest number of schools were not expected to be open at the time the survey was taken; thus, the schools sampled might not be representative of the total migrant school population.

--The objectivity of the study is questionable because it was conducted by OE migrant program personnel, State migrant personnel, and OE's consultant for monitoring the system.

MIGRANT PROGRAM ALLOCATION SUBSYSTEM

This subsystem was developed to determine the number of migrant children in each State for use as a basis for fund allocations under title I. Basically, the subsystem consists of two computer programs--the first processes the system's data base and extracts the necessary enrollment information and the second prepares an allocation summary and other reports. Information critical to allocation includes (1) basic student identification data, including birth date, (2) dates enrolled in various schools, and (3) locations of the schools.

Essential to the usefulness of any computerized data base is the maintenance of accurate and current data. The Arkansas State Department of Education uses several methods to achieve this. Three of these methods are discussed below.

Data validation program

This computer program checks the correctness of student information before it is accepted into the system's data bank. Basically, the program provides two checks. First, each item that should contain numerical data is checked for such data and each item that should contain alphabetic data is likewise checked. Secondly, validity-range checks are made on data fields determined to be dates. For example, a month expressed in numbers must range between 01 and 12. Also, codes submitted in the student input data, such as "School ID," are validated by reference to a "School ID" table. Unless the code can be matched to an entry in the appropriate table the data field is rejected by the system. Error messages are prepared and transmitted back to the originating terminal for all input data items that fail the validation tests.

Duplicate record screening

The Arkansas State Department of Education has developed two basic methods to address the problem of duplicate records in the system. One method is essentially preventive and can be initiated routinely by the terminal operators. The other method is a special computer program which can be run periodically by the department of education.

The method which can be initiated by the terminal operators is used when a student identification number for a child enrolling at a particular school is not known. This could occur when a child is being enrolled for the first time or when a child already enrolled in the system (or his parents) does not know his student identification number.

To initiate a search of the system's data base for a particular child's record, the terminal operator would enter into the system certain key data describing the student. If the search cannot exactly match the supplied key data to an existing student record and thus determine a previously assigned identification number, it will supply several possible matches. After considering the possibilities, the terminal operator can (1) accept one as the correct record, (2) cause a new record with a new student identification number to be generated, or (3) reject the possibilities offered, change the critical data, and initiate another search. In all cases, the terminal operator decides on a course of action in cooperation with local school personnel.

In the other method for checking for duplicate records, which is initiated by the Arkansas State Department of Education, a special computer program searches the system's data base and lists all possible matches with pertinent key data. Where all key data for a given student record match the same data in another record, the likelihood of record duplication is very good. Conversely, where only some of the data match, there is less likelihood of record duplication. In either instance, a final determination of the existence of duplicate records is made through an investigation by the local education agency and the Arkansas State Department of Education.

The latter method was last applied in February 1973, when the system's data base contained approximately 375,000 student records. Of these records, 18,000 were identified as possible duplicates. Following a review by State department of education and local education agency personnel, about 4,500 true duplicates were identified and eliminated from the data base.

At the time of our visit to Little Rock, State education officials told us that the program for screening for duplicate records had not been used since February 1973 because in August 1973 the system's computer equipment underwent a change and the old computer program had to be adapted to the new equipment. This was accomplished after our visit and when the program was run on February 12, 1975, 2,610 additional records were identified as duplicates and eliminated from the data base. A State education official told us that the new program would be run periodically thereafter.

Terminal operator improvement program

To improve data input to the system, the Arkansas State Department of Education employs eight individuals to train project school personnel and terminal operators. Six of the employees work with the terminal operators to improve their efficiency and accuracy in transmitting and receiving data. The contract between OE and the Arkansas State Department of Education requires that these employees make two onsite visits annually to each of the terminals. The other two employees train project school personnel routinely and upon request through State and regional conferences held throughout the year.

In conjunction with these training efforts, a computer program was developed to collect statistics on the number and types of errors made by the terminal operators as they enter data into the system. The error statistics are presented to the terminal operators as feedback information on their keystroking efficiency and accuracy.

The individuals who train the terminal operators said the reports generated on the operators were useful in identifying training needs. At the time of our visit to Little Rock, an Arkansas State Department of Education official told us that the computer program that generates the reports had not been used since 1973, when the computer equipment for the system was replaced. Later the program was converted and the new program was first run commencing on April 1, 1975. By letter dated May 5, 1975, the States were notified that the reports would be sent to them monthly.

CONCLUSIONS

Comparing the methods used to gather data on migrant children indicates that the Migrant Student Record Transfer System and the migrant program allocation subsystem provide a more reliable basis for allocating title I migrant funds to the States than do Labor statistics. The accuracy of the record transfer system, however, has not been established because the validation study did not provide an adequate basis for assessing it.

Using the system appears to be an equitable way to allocate funds to the States because the amount of funds so allocated largely depends on the States' aggressiveness in recruiting and enrolling migrant children in their schools. Further, we agree with the validation study group that the system's accuracy should improve because its use for fund allocation purposes should provide the States with an incentive to recruit and enroll all eligible children.

The Arkansas State Department of Education is aware of many of the problems causing inaccuracies and appears to be taking reasonable steps to correct them. The department should continue its efforts in this regard to assure that States receive an equitable share of title I migrant funds and that the total migrant program allocation is as accurate as possible. It is unlikely that the system will achieve complete accuracy, however, because of the magnitude of the operation and the many variables involved.

CHAPTER 3

FISCAL YEAR 1975 MIGRANT PROGRAM ALLOCATIONS

The title I migrant program allocation for fiscal year 1975 was $91,953,160 and was approved on November 14, 1974. Fund allocations to the States--with the exception of Alaska, Hawaii, and the District of Columbia, which did not receive an allocation--were made on the basis of data provided by the Migrant Student Record Transfer System. Puerto Rico received $515,720 on the basis of Labor statistics. Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands were allocated a total of $195,867; however, these funds were reallocated to the States because these areas had not applied for funding.

In determining the fiscal year 1975 allocations, OE did not consider formerly migratory children or migratory children of migratory fishermen because accurate estimates of their numbers were not available. OE did have conservative data on their numbers, however, and should have included some estimate of these children in the funding base.

STATE ALLOCATIONS

Use of the system resulted in increased allocations to 15 States. The other States were not affected because the Education Amendments of 1974 provide that no State will receive, in any fiscal year prior to July 1, 1978, less than the amount received in fiscal year 1974. The table below compares, for the 15 States receiving increased allocations, the actual fiscal year 1975 allocation based on the system data with the amount they would have received had Labor statistics been used.

	Labor data	System data	Increase	Percent increase
Arkansas	$ 751,595	$ 1,539,915	$ 788,320	104.9
California	10,076,838	17,365,908	7,289,070	72.3
Georgia	537,647	563,591	25,944	4.8
Idaho	909,509	1,670,527	761,018	83.7
Maine	64,833	242,522	177,689	274.1
Massachusetts	292,850	616,578	323,728	110.5
Michigan	4,329,746	4,475,087	145,341	3.4
Minnesota	450,570	454,149	3,579	.8
Missouri	464,942	657,836	192,894	41.5
New Mexico	1,016,946	2,427,294	1,410,348	138.7
North Carolina	1,545,794	1,707,099	161,305	10.4
Vermont	6,483	10,958	4,475	69.0
Washington	2,095,331	3,419,499	1,324,168	63.2
Wisconsin	529,894	734,020	204,126	38.5
Wyoming	197,811	280,928	83,117	42.0
Total	$23,270,789	$36,165,911	$12,895,122	55.4

Through fiscal year 1974, Alaska, Hawaii, and the District of Columbia had not received a title I migrant program allocation because there were no applicable Labor statistics available. Consequently, they have not participated in the system and did not receive an allocation for fiscal year 1975.1/

FORMERLY MIGRATORY CHILDREN

OE officials told us that formerly migratory children were not included in the funding base for fiscal year 1975 allocations because accurate estimates of their numbers and locations were not available. The only estimates available were those obtained primarily from an OE telephone survey of the States and Puerto Rico made in October 1974. OE officials said that, although the estimates were not very accurate, they believed them to be conservative. The total estimated number of formerly migratory children was 275,246, distributed as shown below.

1/On May 9, 1975, Alaska requested funds to recruit migrant children and to plan for a migrant program; OE provided $64,400 for these purposes.

Alabama	200	Montana	200
Alaska	200	Nebraska	250
Arizona	2,250	Nevada	50
Arkansas	2,320	New Hampshire	20
California	64,500	New Jersey	4,050
Colorado	6,250	New Mexico	2,250
Connecticut	2,250	New York	4,950
Delaware	152	North Carolina	3,100
Florida	45,000	North Dakota	100
Georgia	300	Ohio	2,920
Hawaii	225	Oklahoma	400
Idaho	7,500	Oregon	2,005
Illinois	1,800	Pennsylvania	500
Indiana	2,700	Rhode Island	25
Iowa	62	South Carolina	300
Kansas	1,800	South Dakota	10
Kentucky	120	Tennessee	110
Louisiana	520	Texas	78,000
Maine	501	Utah	182
Maryland	200	Vermont	10
Massachusetts	2,250	Virginia	200
Michigan	15,000	Washington	12,000
Minnesota	561	West Virginia	50
Mississippi	820	Wisconsin	963
Missouri	800	Wyoming	320
		Puerto Rico	4,000

Note: OE officials said no estimates were available for the District of Columbia.

MIGRATORY CHILDREN OF MIGRATORY FISHERMEN

According to OE, comprehensive and accurate information on the number and location of these children was not available for inclusion in the fiscal year 1975 allocation base. Estimates available at the time were based on Department of Commerce statistics. As with the estimates of formerly migratory children, OE officials told us that, although these estimates were not accurate, they believed them to be conservative.

The Department of Commerce receives reports from the States on the estimated number of commercial fishermen (1) on vessels and (2) on boats and on shore. These two classifications are further categorized on the basis of full-time and part-time workers. A "full-time worker" is defined as one who spends 50 percent or more of his working year in commercial fishing activities.

OE's estimate of the number of migratory children of migratory fishermen is based on the number of part-time fishermen reported. Again, OE applied a factor of three-quarters to these estimates to convert commercial fishermen to migratory children of migratory fishermen. Further, to determine full-time equivalency, OE estimated that each child resided in a particular State for 3 months of the year. The total number of migratory children of migratory fishermen was estimated to be 12,047, distributed as below.

Alabama	94	Montana	1
Alaska	713	Nebraska	34
Arizona	-	Nevada	-
Arkansas	450	New Hampshire	75
California	861	New Jersey	180
Colorado	-	New Mexico	-
Connecticut	104	New York	587
Delaware	94	North Carolina	296
Florida	431	North Dakota	-
Georgia	158	Ohio	60
Hawaii	55	Oklahoma	10
Idaho	81	Oregon	659
Illinois	55	Pennsylvania	2
Indiana	21	Rhode Island	175
Iowa	101	South Carolina	154
Kansas	19	South Dakota	10
Kentucky	94	Tennessee	75
Louisiana	619	Texas	169
Maine	923	Utah	-
Maryland	1,688	Vermont	-
Massachusetts	797	Virginia	182
Michigan	59	Washington	1,350
Minnesota	113	West Virginia	-
Mississippi	235	Wisconsin	171
Missouri	92	Wyoming	-

Note: OE officials said the Department of Commerce did not have information available for the District of Columbia or Puerto Rico.

PUERTO RICO

Puerto Rico's allocation of $515,720 for fiscal year 1975 was based on data contained in Labor's monthly "In-Season Farm Labor Report." These reports provide data on the number of interstate migratory agricultural workers brought into the United States from Puerto Rico under contract. The reports showed that in 1973 there were 14,641 such workers.

OE officials told us that the reports are being used only as an interim measure until Puerto Rico is included in the system. They said the reports are inadequate primarily because they do not include intraterritory migrants and count adults rather than children. To estimate the number of children, OE applied the factor of three-quarters to the number of adults. To arrive at full-time equivalency using Labor data, OE estimated that on the average the workers were in the United States for 6 months.

CONCLUSIONS

OE should have included an estimate of the number of formerly migratory children and migratory children of migratory fishermen in the funding base for the fiscal year 1975 allocations. OE did not have accurate and complete estimates of these children but believed that the available estimates were conservative. Including estimates of these children in the fiscal year 1975 allocation base would have provided greater assurance that the legislative intent was carried out.

AGENCY COMMENTS

On August 5, 1975, we discussed the report with OE officials. Concerning the fiscal year 1975 migrant program allocations, the OE officials reiterated that formerly migratory children and migratory children of migratory fishermen were not counted because accurate estimates of their numbers were not available. They pointed out, however, that for fiscal year 1976 the full-time equivalent of about 45,500 formerly migratory children and about 270 migratory children of migratory fishermen were specifically identified in the system and were counted in determining the migrant program allocations for that year.

ALBERT H. QUIE
1ST DISTRICT, MINNESOTA

COMMITTEE:
EDUCATION AND LABOR

WASHINGTON OFFICE:
2334 RAYBURN HOUSE OFFICE BUILDING
[illegible]

Congreſs of the United States
House of Representatives
Washington, D.C. 20515

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WASHINGTON
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ROCHESTER OFFICE:
436 FIRST NATIONAL BANK BUILDING
[illegible]

FORT SNELLING OFFICE:
230 FEDERAL BUILDING
[illegible]

August 1, 1974

Honorable Elmer Staats
Comptroller General of the U.S.
General Accounting Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Staats:

On July 31 the House passed and sent to the President H.R. 69, The Education Amendments of 1974.

One section of the bill, Section 122, extends the program for migratory children under Title I of the Elementary and Secondary Education Act. The amendments to that act direct the Commissioner of Education to make use of the Migrant Student Record Transfer System to determine the actual number of migrant students.

Since this is an important step in the migrant program under Title I, I would like to request that the GAO audit the MSRTS to determine its accuracy, its efficiency, the degree of participation, and other relevant information.

Thank you for your attention to this request.

With kind regards, I remain

Sincerely yours,

Al Quie

ALBERT H. QUIE
Member of Congress

AHQ:cka

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE RESPONSIBLE FOR THE ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
SECRETARY OF HEALTH, EDUCATION, AND WELFARE:		
David Matthews	Aug. 1975	Present
Caspar W. Weinberger	Feb. 1973	Aug. 1975
Frank C. Carlucci (acting)	Jan. 1973	Feb. 1973
Elliot L. Richardson	June 1970	Jan. 1973
Robert H. Finch	Jan. 1969	June 1970
Wilbur J. Cohen	Mar. 1968	Jan. 1969
John W. Gardner	Aug. 1965	Mar. 1968
ASSISTANT SECRETARY (EDUCATION):		
Virginia Y. Trotter	June 1974	Present
Charles B. Saunders, Jr. (acting)	Nov. 1973	June 1974
Sidney P. Marland, Jr.	Nov. 1972	Nov. 1973
COMMISSIONER OF EDUCATION:		
Terrel H. Bell	June 1974	Present
John R. Ottina	Aug. 1973	June 1974
John R. Ottina (acting)	Nov. 1972	Aug. 1973
Sidney P. Marland, Jr.	Dec. 1970	Nov. 1972
Terrel H. Bell (acting)	June 1970	Dec. 1970
James E. Allen, Jr.	May 1969	June 1970
Peter P. Muirhead (acting)	Jan. 1969	May 1969
Harold Howe II	Jan. 1966	Jan. 1969

OVERSIGHT HEARING ON MIGRANT EDUCATION PROGRAMS

FRIDAY, DECEMBER 5, 1975

House of Representatives,
Subcommittee on Agricultural Labor
of the Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2175, Rayburn House Office Building, Hon. William D. Ford (chairman of the subcommittee) presiding.

Members present: Representatives Ford, Meeds, and O'Hara.

Also present: Thomas R. Jolly, subcommittee counsel; Patricia R. Morse, subcommittee clerk; Toni J. Grant, research assistant; James J. Soran III, research aid; and Christopher T. Cross, minority legislative associate.

Mr. **Ford**. We will call the hearing to order. Congressman O'Hara is about to join us.

We seem to have an uncanny ability with these hearings to run afoul of the dynamics of the operation of the House. There is a big meeting taking place, I believe tomorrow, in Paris between a group of our colleagues and the North Vietnamese to try to finalize some discussions on the missing-in-action problem still hanging over from the unfortunate events that we were involved in in Southeast Asia. That, in part, is why there is going to be a pro forma session of the House today, which dictates that people head for their commitments in their districts as quickly as they learn that that is going to be the case. So we are going to be able to go through until noon, I take it.

During hearings in Washington last month we heard from and questioned at some length representatives of the Office of Education with regard to the Federal responsibility and the role they are playing in the area of education for migrant children. Today we have an opportunity to get a broader picture of the success and failures of the program; I hope more success than failure.

I am very pleased that we will finally be able to hear from the National Education Association, who should get some kind of award for attending hearings and being cut off by something else happening before we get to them on the program. I want to apologize once again for the events, certainly not within the control of this committee, that have made that necessary in the past.

We are especially happy that we were able to schedule this hearing to take advantage of the presence in Washington of people who are involved with the migrant education programs, directors and coordinators from the State level who have actually been working with

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the program, and I am particularly happy to see my own State represented here today by Jesse Soriano. I expect Congressman O'Hara very shortly, Jesse, and as you know, when he was chairman of this committee, he was at the bottom of the plot to add migrant education to the education programs.

So that we can hear from all of them, we will get started at this point, and I would like to call representatives of the National Education Association, Roy O. Fuentes and Lance Lujan. If you will come up.

We have a prepared statement pursuant to the rules, presented by Mr. Fuentes in behalf of the National Education Association. Without objection that statement will be inserted at this point in the record, and you may proceed to add to it, to amplify it, highlight it, comment in any way you feel most productive.

[The information referred to follows:]

PREPARED STATEMENT OF ROY O. FUENTES, DIRECTOR, MIGRANT PROJECT, NATIONAL EDUCATION ASSOCIATION

Mr. Chairman and members of the Subcommittee, I am Roy Fuentes, Director of the Migrant Project for the National Education Association. The National Education Association represents some 1.7 million educators in the U.S.

Thank you, Chairman Ford and members of the Subcommittee, for the opportunity to express the National Education Association's concerns about the problems of migrant farmworkers and their children. These hearings also afford me the opportunity to personally commend you, Chairman Ford, for your genuine concern and leadership in finding solutions to the problems of migrant farmworkers. There is no question that migrant farmworkers need strong advocates in Congress.

As advocates for migrant farmworkers, we need to be cognizant of the differences between migrants and the general population. Legislation is written with the assumption that the population is stable. Permanent residency facilitates the citizen's access to benefits of the legislation. Migrant farmworkers are denied this access because of the highly mobile patterns demanded by their employment or because they have been specifically excluded from legislation, policy, and regulations at all levels of government.

The National Education Association joins you and others in working for one of America's most neglected populations, the migrant farmworkers. The National Education Association's support of migrant farmworkers was most recently articulated last July by the Representative Assembly, the Association's chief governing body, in Resolution 75–27, which states:

"The National Education Association is concerned with the plight of migrant workers, particularly with the education of those migrant children who are pushed out of school because of the system's failure to provide needed educational opportunities.

"The Association urges its local affiliates to negotiate provisions that will guarantee protection and full rights for teachers of migrant children.

"The Association supports legislation to insure equal educational opportunities for migrant children, appropriate programs for migrant families, and the right of migrant workers to be represented in collective bargaining by an organization of their choice.

"Mini-Corps, as defined by federal legislation, should be instituted in every state that has migrant children in its school system."

As you know, Mr. Chairman, the problems of migrant farmworkers include low wages and seasonal work, unemployment, limited coverage under labor legislation, job displacement caused by mechanization in agriculture, low skill levels, undereducation, and critical health and housing needs. These problems are further complicated by the high mobility of this population and in many instances by language and cultural differences. In assisting a migrant family, all of these problems must be dealt with simultaneously. They cannot be permanently isolated from each other. They aggravate one another. The National Education Association is sympathetic to each of these problems. Our main concern, however, is equitable access to educational opportunities for every migrant child.

Prior to 1962 no significant legislation or programs existed for improving the conditions of migrant farmworkers or for providing opportunities to them and their families. While positive and encouraging steps have been taken since 1962, the amount of funds made available in relation to the total target population and the magnitude of their problems have limited the effectiveness of the programs.

There is, of course, much legislation that could and should be impacting the migrant farmworkers. However, studies and investigations repeatedly have shown that the benefits of legislation for the general and stable populations do not reach migrants and their families. In addition to being highly mobile, migrants are locked into the vicious cycle of poverty. Thus, while some progress has been made since 1962, the migrant farmworkers are still left with uncontrollable problems that produce frightening statistics.

Housing conditions for seasonal agricultural farmworkers have improved, but not enough. There are too many migrant farm labor camps without heat, adequate lighting or ventilation, plumbing or refrigeration. Living space is extremely limited, and in many cases square footage is less than the recommended by the American Prison Association for minimum cell space. In many instances one outside toilet facility serves 60 to 70 people.

Despite recent programs, the unmet health care needs of migrants remain critical. The migrant health program reaches only 10 percent of the population eligible for services. The infant mortality rate for migrants is 25 percent higher than the national average. Mortality rates for tuberculosis and other infectious diseases among migrants are 2.5 times the national rate, and for influenza and pneumonia the rate is 20 percent higher for migrants than it is for the general population. Parasitic, respiratory, and digestive system diseases are two to five times more prevalent among migrants than in the general population. Furthermore, doctors and other specialists have reiterated that poor housing of migrants is directly related to specific ailments and illnesses, e.g. diarrhea, dehydration, asthma, anemia, and meningitis. In addition, we find frequent safety hazards resulting in accidents, injuries, falls, and burns.

Estimates of the number of working children of migratory laborers run as high as 300,000. Half of this number may work as regular contributors to the incomes of their families. The average income of migrant farmworkers is below the established poverty level. The American Friends Service Committee maintains that the end result of child labor in agriculture on the industrialized farms is the same as that in the factory. Exhausted by too much work at too young an age, with too little food and too little rest, the child is deprived of a normal period of growth and education.

Educational opportunities are crucial in breaking out of the vicious migrant cycle. There are an estimated 800,000 migrant children in the United States. Quite obviously they do not yet receive the full benefits of education.

In a study conducted by Exotech Systems, Inc., Evaluation of The Impact of ESEA Title I Programs for Migrant Children of Migrant Agricultural Workers, it was found that:

> Migrant students fall behind their peers in grade level. The average migrant student is from six to eighteen months behind the expected grade level for the age group.
>
> Migrant students fall most markedly behind in both achievement and grade level in the third and fourth grades. Achievement levels of migrant children diverge markedly from the rest of the student population during the third and fourth grades. Approximately three years are required for the average migrant student in California and Texas to move about one grade level in the third and fourth grades. Further study is necessary to determine why the third and fourth grades are so difficult for migrant students.
>
> Most migrant students drop out of school before the ninth grade. The average non-migrant student has a 96 percent chance of entering the ninth grade and an 80 percent chance of entering the twelfth grade. The migrant student has a 40 percent chance of entering the ninth grade and only an 11 percent chance of entering the twelfth grade. Yet more than 90 percent of 441 migrant students who were sampled expressed a desire to stay in school despite the academic and economic problems.

Mr. Chairman, I know that everyone from State Directors of migrant education to the migrant aides will admit that a great deal more has to be done before the migrant child receives unprejudiced treatment from our educational and governmental systems. I also know that migrant educators will bear their share of the blame and responsibility for shortcomings in the implementation of migrant education programs. Yet we would be remiss if we did not give proper credit for some excellent work being done by the migrant education programs. Let there be no doubt that State Directors of migrant education along with the Director and staff of the U.S. Office of Education/Migrant Branch have tackled and are beginning to come to grips with some insurmountable problems in the delivery of programs to migrant farmworkers and their families.

For some time now it has been obvious that no agency has sufficient manpower, funds, or expertise to deal adequately with the multifaceted situation of migrant farmworkers. Furthermore, we have come to recognize that migrant farmworkers are a national population, transmigrating and criss-crossing several county and state boundaries in search of employment. These two conditions are complicated by the fact that migrant farmworkers are deprived of economic and political resources. I think that most of us would agree that interagency and interstate coordination and cooperation are prerequisites for effectively impacting such complex conditions.

In an educational context the high mobility factor plays havoc on the migrant child's education with regard to program continuity, recordkeeping and transmittal of scholastic and health information, and credit-transfer. The migrant education programs have achieved some very significant development toward resolving these problems.

While we can be critical of and impatient with the progress in migrant education, I for one must say that I am highly impressed by the Migrant Student Record Transfer System; by the coordination and cooperation between states in the three major migrant streams; by the development of a basic skills measurement in reading and math; by the experiment with interstate transfer of academic credits between the states of Washington and Texas; and by interagency efforts to deal cooperatively with migrant education programs. We should not overlook the fact that one of the first bilingual-bicultural components developed and incorporated for use was in migrant education programs. I am also encouraged by the development of such programs as the California Mini-Corps, in the area of teacher training, and Florida's Learn and Earn, in the area of vocational and career training. Finally, I want to recognize the genuine commitment and dedication that I have found in several individuals whom I have met at various levels in the migrant education program. They may not be in the majority, but I am optimistic that their numbers will increase because their enthusiasm, creativeness, and professionalism are exemplary and contagious.

In one respect the accomplishments of migrant education programs are more amazing than its failings. Migrant programs, like their clientele, have always had to fight for survival; such fighting drains valuable energies and resources. In essence we have said to them, "Dream grand designs." Then we buried them in some obscure corner of the bureaucracy. The migrant education program began in 1967; I was startled to learn that no specific rules and regulations exist for migrant education. Why is it that the Office of Education is only now, nine years into the program, proposing these rules and regulations? There can only be one answer, Mr. Chairman, there exists a good deal of indifference in the Office of Education toward migrant education. In spite of this lack of urgency, definition, and guidance, the Director and staff of the Migrant Branch, State Directors of migrant education, and teachers of migrant children have moved ahead in their efforts to equalize educational opportunities for migrant children. Let our criticisms be constructive and forward looking for the improvement in program delivery, rather than allowing program deterioration by indifference or elimination of programs by administrative fiat.

We want to guard against deterioration of any migrant program as in the transfer of the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP) from the former Office of Economic Opportunity to the Department of Labor. Both these programs will terminate at the end of the Fiscal Year because of the Department of Labor's emphasis on manpower programs rather than educational programs. The victims of adverse changes in policy are the clientele because services to them are disrupted or denied. In the case of HEP and CAMP, both programs received excellent evaluations by the Department of Labor at the time of their transfer, only to be stricken from DOL regulations shortly thereafter. Migrant students face enough crises, without having to worry about what services and assistance will be available next fall. It would seem that the obvious solution to this particular problem would be to transfer HEP and CAMP from DOL to the Office of Education. I would urge that such a transfer be done as expeditiously as possible.

Congress was extremely wise in identifying migrant programs and addressing them through separate legislation. I previously pointed out the importance of recognizing the differences between migrants and the general population. These differences dictate the types of service and programs required to meet the needs of this special clientele. They demand a higher priority than they are presently receiving. They require greater access to the decision-making apparatus of federal and state governments so that migrant programs can address themselves more systematically to the unique problems of migrant farmworkers. A higher priority and greater access to the decision-making processes should help to accelerate the pace for bringing migrant farmworkers into full participation in our society.

The purpose of these hearings is to assess the present needs of migrants and to improve the delivery of migrant education programs. I submit the real issue is that Congress must re-examine policies and procedures which may unintentionally be impeding progress toward this critical goal. The end result of these hearings should be to maintain program identity and to increase educational opportunities for migrant children.

I am urging Congress to maintain program identity for migrant education and other migrant programs. I am also suggesting that appropriate and reasonable administrative changes be made to ensure direct input into the policy-making process by migrant programs. In regard to the Migrant Education Branch, I am suggesting that the Branch have direct access to the Office of the Commissioner. I do not envision that such reorganization would necessitate additional funds. Reorganization should increase the effectiveness of the migrant education program.

Mr. Chairman, the National Education Association believes that during these hearings Congress should find the means to—

Insure the continued identity of migrant programs;

Provide direct access for the Migrant Education Branch to the Office of the Commissioner of Education;

Transfer the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP) to the Office of Education;

Increase representation of migrant farmworkers in the setting of policy and the implementation of migrant programs.

The NEA is willing to work with Congress and other interested groups to determine the necessary adjustments required in legislation and policy that will insure full participation of migrant farmworkers in our system.

STATEMENT OF ROY O. FUENTES, DIRECTOR, MIGRANT PROJECT, NATIONAL EDUCATION ASSOCIATION, ACCOMPANIED BY LANCE LUJAN, LEGISLATIVE SPECIALIST, NATIONAL EDUCATION ASSOCIATION

Mr. FUENTES. Thank you.

I am Roy Fuentes, of course, from the National Education Association, director of the Migrant Project.

The NEA, as you know, represents some 1.7 million educators in the United States. I will comment on a couple of things and then allow myself some time——

Mr. FORD. Excuse me, Roy, but I would like to indicate for the record that Congressman O'Hara, the former chairman of this subcommittee, who was kind enough to move on and leave it to me, has now arrived.

Mr. FUENTES. It is a pleasure to have Congressman O'Hara here. I believe that back in 1960 or 1962 I banged some doors for him out in Lapeer, Mich. Now that I am not in Government any longer, I can say with a great deal of pride and pleasure that——

Mr. O'HARA. That is absolutely correct. I hadn't known you were going to be here this morning. When I walked in and saw you, I thought, "Great."

Mr. FUENTES. I was beginning to wonder, too, Congressman.

Mr. O'HARA. I just wanted to say to you that if you have any free time this next year——

Mr. FUENTES. OK. Fine. [Laughter.]

Chairman Ford, I would take a minute just to also express my gratitude for your genuine concern as I have seen it while I have been with the NEA. Certainly migrants, more than anyone else, need some very strong advocates here in Congress, and I have been very, very pleased with these hearings as I have observed them.

As you know, the AP picked up my testimony before and got it out around the country, and immediately it appeared that we were very much against education, or migrant education and perhaps against the Office of Education, and I want to at this time just read a new insert that I have there to let people know that we are very much in support of migrant education, we are very much in support of assuring the visibility and the direct input into policy by the migrant branch here in Washington and everywhere else around the country.

I must say that I am most highly impressed by the work that is being done by the State directors, the teachers of children, and the director and staff of the Office of Education Migrant Branch. I am impressed by the migrant transfer system, a problem that has been discussed for many, many years. I am impressed by the coordination and cooperation between the States in the three major migrant streams, by the development of the basic skills measurement in reading and math; by the experiment with the interstate transfer of academic credits between the States of Washington and Texas; and by interagency effort to deal cooperatively with other migrant education programs and other migrant programs. We should not overlook the fact that one of the first bilingual-bicultural components developed and incorporated for use was in the migrant education programs.

I am also very encouraged by the development of such programs as the California Mini-Corps, which has become part of the NEA resolution in the area of teacher training, and by Florida's learn and earn program in the area of vocational and career training.

Finally, I want to recognize the genuine commitment and dedication that I have found in several individuals whom I have met at various levels in the migrant program. They may not be in the majority, but I am optimistic that their numbers will increase, because their enthusiasm, creativeness and professionalism are exemplary and contagious.

I believe with this kind of start, the work that has been going on these years, what is required now is these excellent programs be implemented in every State, so every child can have a chance to use them to improve himself.

I would also like to point out the one main concern that I have to illustrate some of the difficulties that migrant and other programs have had in getting off the ground. What the Government has said, particularly the administrative part of the Government, in essence is, "Dream great designs," and then they bury the migrant programs in an obscure corner of the bureaucracy. The migrant education program, for example, started in 1967, and I was startled, as you must be, to learn that no specific rules or regulations exist for migrant education, and only now, 9 years into the program, are these rules and regulations being proposed. If we ask why, I think there is only one answer, Mr. Chairman: There exists a good deal of indifference in the Office of Education toward migrant education. And in spite of this lack of urgency in definition and guidance, I believe that the director and staff of the migrant branch and State directors of migrant education, teachers of migrant children, have moved ahead in their efforts to equalize educational opportunities for migrant children.

In conclusion, I would like to present the recommendations that I believe will push this effort along.

I believe it is necessary, with the NEA in full support, that Congress move to insure the continued identity of migrant programs; provide direct access for the migrant education branch of the Office of the Commissioner of Education; transfer the high school equivalency program and college assistance migrant program to the Office of Education; and increase the representation of migrant farmworkers in setting of policy and implementation of migrant programs.

Thank you very much, Mr. Chairman.

Mr. **Ford**. Thank you very much. I would like to acknowledge the fact that your organization has gently but firmly continued to stimulate this committee toward the hearings that we were finally able to undertake. Just as every place else where migrants are dealt with, here in the Congress they manage so frequently to be a problem that gets pushed aside by something that has a louder and stronger constituency in the Congress, and more political clout, if I can be that blunt. The result is that when you try to talk about migrants, you have to wait until everything is really very quiet around here or nobody can hear you. And we are conscious of the groups such as the NEA who have not only tried to stimulate interest through this committee and its members, but through other Members of the Congress and through your membership out across the country.

With respect to that, I am familiar with the resolutions that have been passed by NEA, and we did, as a matter of fact, back in November put into the record a statement based on the National Education Association's findings and recommendations with respect to not only education but education being related to the multiple problems of the particular constituency that this legislation, the migrant education legislation, has intended to try to reach.

You enumerated at that time, areas of concern which suggested to me that you might be, as an organization, peculiarly in an advantageous position to give us the benefit of your findings from the field and criticisms from the point of view of your membership in trying to deal with the program either as participants or in programs trying to coordinate with migrant education. To what degree do you detect among the membership of your organization a concern that reflects itself by indicating to you areas to affect change or increase activity?

Mr. **Fuentes**. Mr. Chairman, we haven't at this particular time really surveyed the membership in this regard. My project which began in January is just in the process of reaching out to the State affiliates and locals through workshops, and I think at the end of that time, hopefully by sometime next September, we will have some specific readings in this area. May I just add, however, that I in the short time that I have been with NEA found several of the membership, local presidents and people who serve on the State affiliate boards, policy boards, showing some real commitment, and I think with that kind of internal politics that we will continue to move forward as far as the NEA effort is concerned with migrant education.

I just spoke yesterday, for a point of information, with the State directors. I had an opportunity and urged them, and will continue to urge them and NEA to find some way to create a marriage between the two organizations, between the programmatic part and, of course, the Association, to get some answers, and then for one to provide the other, and for the other to move forward with it as far as lobbying and so on, and I think that that is going to be a very, very difficult problem, and I am encouraged by both sides, by the State directors and NEA, that will come about.

Mr. **Ford**. Well, in the report which I placed in the record from the NEA, "Neglect in the education of migrant children," toward the end of the report you have two specific categories that I have a special interest in, the areas of concern and recommendations. Your concerns deal directly with the level of approach of a teacher, a professional working in the program, and then legislation.

The first one I smile at, "The existing child labor law should be screened and evaluated." After my experience with strawberry pickers in Washington I am resensitized to that one. That is a good way to smoke out the gentleman from Washington, Mr. Meeds, who has been a long-time friend of this migrant education program.

No. 2, "NEA should insist on State and local monitoring of legislation in migrant education programs by its State affiliates."

To what degree do you perceive that the State affiliates in very many of the States are in fact devoting any time to developing a critique of the way migrant programs are operated in their States?

Mr. **Fuentes**. At this point I don't think that is existing. What is encouraging, however, the Association in Michigan passed a similar resolution to NEA and has put it on their legislative priority, migrant legislation in the State, and the same has happened, working very closely, with the State director, in Florida, and they, too, have made migrant legislation a part of the legislative priority.

We are still in the process in very practical terms of educating the membership on the broad scope of the migrant problem.

Mr. **Ford**. I would like to ask you if you would, as you have in the past, continue contact with us. Counsel advises me that we are about ready in approximately another month to go to the publisher with a report we have been trying to put together by surveying all of the States, just to get a catalog or, if you will, a shopping list of the programs in education and labor areas that are presumably designed to address the problems of migrant population, children and adults. It would seem to me that that might be a good shopping list for your organization to look over and ask themselves in the respective states how their state stacks up——

Mr. **Fuentes**. Fine.

Mr. **Ford** [continuing]. With the others. Then perhaps from their point of view tell us why there are such wide differentials. Certainly it is too cynical to accept the premise that there are so few States in this country that have a conscience with regard to migrants—there must be something more sophisticated than that involved, but in any event, we intend to make available to the people who will use it to focus the spotlight on the information, so that you can hold individual States up to the light and check them like the egg, to see whether they are good or not.

It is not our intention to embarrass anybody or to pressure anybody, but we hope that people will take note of the differences that exist, and your people are at the grassroots where that note translates. If your organization at the local level in my State takes a genuine outwardly apparent interest in this kind of issue, then the problem that we have on this committee with an issue lacking a political constituency will start to solve itself. If they will address themselves not only to how Members of Congress vote on the support of education in general, but how they conduct themselves in either being informed of or reacting by way of a vote to the special problems affecting migrant children, we may begin to see some of the progress effectively evolving with respect to education programs in general, as we have worked very, very hard to convince people across the country that in the future of education there is a payoff in being interested in what the Federal Government is doing and in exerting influence on what the Federal Government is doing.

There are very few education programs that are so truly national, none, as a matter of fact, that would meet all of the criteria for being a truly national program like the migrant education program, and again, none that is so sorely lacking in widespread State and local support. When we work with most other education programs, we are superimposing a Federal constituency on already existing local concern, county and State concern, to one degree or another, that has intensified, but nevertheless is always there, because there are voters who have their own children involved, who insist on the use of resources for their education. That same sort of underpinning doesn't exist under this legislation.

Mr. **Fuentes**. That is one of my hopes. I was very interested to find out that 40 percent, at least estimated, I guess, of the membership of NEA is in the rural area where many of your programs are, migrant programs; and then, of course, a 5-year provision now would expand that base into the urban area. And I am very hopeful, and I will be talking primarily to the State directors, my assumption is that the teacher out there who is not with the migrant education program is not organized and he is not active in the Association at this point, and he comes to the Association, he deals with other problems other than this responsibility to migrant education, and I am hoping we can make them more aware of this responsibility within a social mechanism.

Mr. **Ford**. If I might touch on one more thing, in your testimony you talk about the Labor Department regulation for section 303 of title III of CETA, and particularly the high school equivalency program and college assistance migrant program. You wrote me on November 3. After some inquiry I wrote last week, the last week in November, to the Secretary of Labor, John Dunlop, not only expressing the concerns as you had expressed them as an organization, but also reminding him that back in December 1973 I had a specific commitment in writing from the Department of Labor indicating that what these regulations seem to be doing would not be done, and asking for an indication of how the policy decision was made to change that. We have no response as yet, but we will follow up; and without objection I would like to insert in the record at this point the letter of November 3, 1975, from the National Education Association, Mr. Fuentes, to this committee, and also a copy of my letter of inquiry to Mr. John Dunlop, Secretary of Labor.

[The information referred to follows:]

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., November 3, 1975.

Hon. WILLIAM D. FORD.
U.S. Congress, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FORD: Revisions in Department of Labor regulations for Sec. 303 of Title III of the Comprehensive Employment and Training Act of 1973 will eliminate, for all practical purposes, two excellent educational programs for migrant youth. These two programs are the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP).

Education is a key to breaking the vicious migrant cycle of poverty. It would be dereliction of our advocacy and duty to allow these productive programs to fall by the wayside because revised regulations now makes them incompatible with manpower programs. The obvious solution is to transfer HEP and CAMP to the U.S. Office of Education. Discussions between HEW and DOL about these two programs have failed to achieve such a transfer. I would hope the oversight hearings on Migrant Education being conducted by your subcommittee will give serious attention to this critical problem.

I am enclosing, for your information and consideration, a position paper submitted to the Department of Labor by the CAMP directors. This document describes the problem, and the vitality and achievements of HEP and CAMP.

I am in appreciation for your attention and concern for migrant education.

Sincerely,

ROY O. FUENTES,
Director of Migrant Project,
NEA Teacher Rights.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
SUBCOMMITTEE ON AGRICULTURAL LABOR,
Washington, D.C., November 25, 1975.

Hon. JOHN DUNLOP,
Secretary, U.S. Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: As Chairman of the Subcommittee on Agricultural Labor, I am writing to express my dismay over the Department of Labor's decision to decategorize the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP).

Those of us who are involved in and concerned about the often inhuman living and working conditions of migrant and seasonal farm workers realize all too well that education is the key to breaking the vicious cycle of poverty suffered by them.

Not only do the revised regulations result in dereliction of national duty but they contradict earlier Department assurances that important categorical programs would be continued. I quote from a letter addressed to me dated December 27, 1973, from Assistant Secretary Kolberg:

"I reaffirm the pledge . . . that the Department of Labor has no intention of converting the farm worker programs to a single dimensional manpower model. *We shall continue to fund* a program mix, *including* self-help housing, *high school equivalency*, emergency food, and others until and unless (a) those programs no longer serve the needs of farm workers, or (b) other Federal agencies are willing and able to assume responsibility for some of the categorical programs which are more appropriately in their area of responsibility." (Emphasis added.)

In light of this and other assurances, I would like a full and complete justification of your announced decision to discontinue direct funding of these two programs.

Surely, in connection with HEP and CAMP, neither (a) nor (b) can be cited as reasons for the Department's decision.

Furthermore, as one who is vitally concerned about the future of farm workers, I urge you in the strongest terms to reconsider your decision. I would also like to offer my assistance as Chairman of the Subcommittee on Agricultural Labor and the services of my Subcommittee staff in any negotiations now under way or anticipated with the Department of Health, Education and Welfare relating to the possible transfer of these critical programs to that Department.

With kind regards, I am.

Sincerely,

WILLIAM D. FORD,
Chairman.

Mr. FUENTES. Mr. Chairman, may I just make a couple of comments on that? Much of the information that has come to me has come to me from the directors of the CAMP program. I have seen where in fact the words "high school equivalency" and the "college assistance migrant program" has been eliminated from the DOL regulations. My understanding is that the thinking behind that is that the grantees now, the title III grantees, would if they wanted to run these CAMP and the other programs, so in effect they are saying "We are not eliminating them, but setting up the mechanism for that."

CAMP directors are very, very upset about this. They are going to be meeting this weekend in Denver to set up a strategy as to how they can protect themselves. My feeling is even if this problem hadn't occurred right now, even if the problem hadn't arisen now, I would think the HEP program should go over to the Office of Education, the migrant branch. I think from all of the information that I have seen, the weakness of the program as far as delivery service is to the secondary student, and according to these directors, they say that one of the big concerns is that DOL, or if they find it is an obstacle, DOL would not transfer the funds over there. Of course that would be ideal. If that can't happen, it would seem to me that the HEP program, while still working with high school students, is also providing some manpower services. My suggestion would be to transfer them over there with or without the money, but to leave the option open and the mechanism open so that they can still tap DOL manpower for moneys. And if we are going to deal with the problem, we ought to be again flexible because of the situation of the population.

Mr. FORD. Thank you.

Mr. Meeds.

Mr. MEEDS. Thank you, Mr. Chairman.

I would like to beg your indulgence, Mr. Fuentes. I was not here to hear your prepared statement, but I did have an opportunity to read through it very quickly, and even with the knowledge that I have had on the shortcomings in migrant education, I was struck with your testimony on page 5, where you point out that:

> Most migrant students drop out of school before the 9th grade. The average nonmigrant student has a 96 percent chance of entering the 9th grade and an 80 percent chance of entering the 12th grade. The migrant student has a 40 percent chance of entering the 9th grade and only an 11 percent chance of entering the 12th grade.

These are even to me startling statistics, and I guess my questions or question would be an opportunity to let you enlarge on those statistics a little bit by telling us what you consider to be the major reasons for this kind of statistic. I know there are a lot of reasons, but if someone were to drive up and ask you "What are the five major reasons for this?", what would your response be?

Mr. **Fuentes.** I am not in the programmatic part of it, but it would seem to me the inability for the student to have some kind of continuity in his education. That is the basic crux of it.

Mr. **Meeds.** We have this problem with Department of Defense children, too, and let me tell you right now, that statistic is not the same.

Mr. **Fuentes.** Well, I think your second problem would be a great deal of insensitivity and inability of the local school district, of course, to deal with the unique background of the migrant child from either cultural, linquistics, as well as the mobility factor, and probably a great deal of prejudice. I think I mention in the testimony I hope some day a child can walk in there and not be prejudged because he is a migrant. A military child walks in there, and he has a little different respect coming from the teacher.

I followed up the statistics. They were startling to me also, Congressman, but I followed up the statistics with some of the things. When I was working in Michigan with the Governor's office, we, as many other States, were talking about dealing with interagency coordination and interstate coordination, and many of these are complex problems, I believe. And this has only happened and become visible in the last year or so, that the State directors are making a move to deal with those, particularly with the regular transfer system getting those grades across. I think the things Texas and Washington are doing are very exciting. I think a big reason for that child not reaching that 9th grade may be because his records aren't there. We used to use the example about the medical because that seems to be physically more damaging. A child might be receiving vaccinations several times for the same kind of disease. The same thing was happening educationally, and I believe that steps have been taken by the State directors. They are really trying to come to grips with their problems. We need to give them the opportunity and flexibility and guidance and support to make this thing happen for them.

Mr. **Meeds.** How much effect is the additional emphasis that is being placed, not as much as we would like, but there is additional emphasis being placed on bilingual education? Is this having a beneficial effect?

Mr. **Fuentes.** In migrant education?

Mr. **Meeds.** Yes.

Mr. **Fuentes.** I would think in certain areas of the country that is very true. I need to say this about bilingual education: I am very much in support of that. What has happened is a piece of legislation has gotten a great deal of visibility and a lot of support, and I think it is a fantastic thing that is happening. But there is a danger now that I see just from cursory remarks, that if they want more bilingual, migrant is the same thing, and it is not the same thing. In the area of migrant education, bilingual education is only a component, just like the reading and math part; it is not the whole program. And I think we have to be very, very careful not to be guided into the area of bilingual and migrant are the same thing, because they are not.

Mr. **Meeds.** It requires more——

Mr. **Fuentes.** It requires more.

Mr. Meeds [continuing]. Than simple bilingual education.

Mr. Fuentes. That's right.

Mr. Meeds. As I have jotted down here, you listed four major problems: Continuity of educational opportunity, insensitivity or failure of local school districts to deal with the cultural problems, prejudice, and problems in record transfers.

Mr. Fuentes. Right.

Mr. Meeds. Could you name one more?

Mr. Fuentes. Well——

Mr. Meeds. For instance, I am persuaded that even though the drop-off between 96 percent of the 9th graders, nonmigrant, 96 percent achieving entrance into the 9th grade, and only a 40-percent chance of the migrant doing the same is better than half——

Mr. Fuentes. That is right.

Mr. Meeds. A 100-percent dropoff there. Look at the next one. From 80 percent to 11 percent with respect to entrance into the 12th grade.

Mr. Fuentes. I think the answer to that one, Congressman, is that that is about the age——

Mr. Meeds. To work?

Mr. Fuentes. In fact, I was very startled to see in some information I received from Florida that the average entering age into agricultural work is 11 and 12 years old. That is an economic situation. I think the parents are divided between "We want our kid to go to school and get an education," and "We need him."

In fact, if some day you have a chance to see a presentation that was put together by some youngster from the MiniCorps, an excellent program in California, the opening scene of the drama starts with the mother and father in the field, discussing whether or not that child should go to school, and the question is, "She doesn't get that much in school, and we need her, because we can't make it without her in the field."

I think that that particular presentation puts all of migrant education and all the problems into a nutshell within a 40-minute presentation. It is a beautiful thing to see, and also very penetrating.

Mr. Meeds. Thank you, Mr. Fuentes.

Thank you, Mr. Chairman.

Mr. Ford. One question: I noted on page 4 that you say "Estimates of the number of working children of migratory laborers run as high as 300,000."

Where did you get those estimates?

Mr. Fuentes. I am certain I don't have any source with me, but through the volumes and volumes of materials I read, and, Congressman, you know all of these figures are just rough estimates. We really don't know. But I believe I got this from the American Friends Committee Service Committee.

Mr. Ford. Well, I would like to just tell you that, incidental to those hearings on the strawberry bill, we had hearings here in Washington with representatives of the organizations purporting to be the most concerned for the longer period of time over employment of children in agriculture. I think if you will scan those hearings you will discover that one after another of these organizations told us they really don't know. They have all kinds of hunches, all kinds of deep feelings of the heart. On hard figures, the Labor Department hadn't done it. The

Labor Department figures on violations of the law are so bad that when they are sitting in front of us they can't tell us how many they had last year, and they come up with a few, you know, and it is really pretty bad.

We discovered that everyone had some pretty firm ideas about how extensive the problem was, but nobody really had put any effort into a way to determine this in a fashion that would make it possible for us or for any other committee of Congress that is interested in developing a response to the problem. With 300,000 out of 800,000, that is a pretty big dimension. You don't have anything that we can use?

Mr. FUENTES. No, no, Congressman, I don't. I have always, like everyone else, played with the figures, 100,000 or whatever, I am never sure whether they are talking about worker head of the family or all members of the family when they give the figures.

Mr. FORD. I am not quarreling with the figures; I am quarreling about the frustration over the fact we have so many people who all at times say, "The problem with you in Congress is you don't understand, and we know."

We say, "How could you know, and what do you know?"

"We just know."

We can't sell that here. It just won't float out on the floor. And so maybe you can help us also agitate some people to really start telling us what is going on.

Mr. MEEDS. Since the chairman brought this up, would he yield?

I just want to point out to you, Mr. Fuentes, to make the record amply clear, in the exemption from the 12-year age requirement of the Fair Labor Standards Act, which I proposed, migrants were exempted. That is to say, the migrants would not have been allowed to pick strawberries if they were under 12 years of age. This was purposefully done by me in recognition of the educational problems, a desire on my part to see them in school rather than in the fields.

Mr. FORD. Thank you very much.

Mr. FUENTES. Thank you very much.

Mr. FORD. I hope all these people are in the room:

Mr. Leo R. Lopez, chief of the migrant education section in California; Dale Hilburn, administrator of the migrant education section in Florida: Jesse M. Soriano, supervisor, migrant education program of Michigan; Joseph E. Dunn, migrant education coordinator of Pennsylvania; Raul de la Rosa, supervisor of migrant education of Washington.

Would you gentlemen come forward?

Let's start on this end. Identify yourself for the record. We will have each of you make your presentation, and then we will ask questions.

STATEMENT OF LEO R. LOPEZ, CHIEF, MIGRANT EDUCATION SECTION, CALIFORNIA STATE DEPARTMENT OF EDUCATION

Mr. LOPEZ. Mr. Chairman and members of the committee, I am Leo Lopez, chief of the migrant education section for the State of California. You have my testimony, and I am going to briefly scan this testimony I have presented to you.

Mr. FORD. Without objection, the prepared statement that you have presented to the committee pursuant to the rules will be inserted in full at this point in the record, and you may continue to amplify or highlight it as you see fit.

[The information referred to follows:]

PREPARED STATEMENT OF LEO R. LOPEZ, CHIEF, MIGRANT EDUCATION SECTION, CALIFORNIA STATE DEPARTMENT OF EDUCATION

Mr. Chairman and Members of the Committee: I appreciate your invitation to speak on behalf of the migrant children in the state of California and in the nation.

I intend to list a series of observations and conclusions that span my years of involvement with migrant programs at the State and National level. I hope you find some of the following statements useful in your attempt to consider more effective organization and administration of programs for migrant children.

No precedent exists relative to the unique relationship between migrant program offices in the United States Office of Education (U.S.O.E.) and the State Education Agencies (S.E.A.) Traditionally and typically U.S.O.E. funding to S.E.A. involves the S.E.A. as a regulator of formula grants to Local Education Agencies (L.E.A.) such as in the instance of general Title I, E.S.E.A. funding. With the migrant program, however, the S.E.A. finds itself in the unique position of being both an S.E.A. and an L.E.A. In other words, in addition to the role of enforcer of regulations, the S.E.A. finds itself involved in the actual operation of programs involving migrant children.

State migrant program directors find themselves designing programs to identify eligible children, conducting needs assessments relative to those children, designing and implementing programs that adequately meet those identified needs, and selecting evaluation criteria that focus on how well the program did meet the child's needs. The state program director finds himself stepping down through the layer of insulation that separates him from the L.E.A. and he finds himself involved with children as well as management and administration. He finds himself becoming an advocate for infants, toddlers, preschoolers, elementary, secondary and out of school children with a range of needs that so far exceeds the category of "education" as to be overwhelming.

In order to administer his charge to the children in his state, the program director may make use of the E.S.E.A. Title I 1% administration allocation prescribed by law. Because the S.E.A. is also considered to be an L.E.A., the program director may utilize local assistance funds available to him to hire personnel and pay the expenses necessary at the S.E.A. level to conduct meaningful and effective programs for migrant children. In fact, if the S.E.A. is to be at all effective in rifling the services to the intended children, then the S.E.A. must assume full time responsibility and must fund at a level necessary to meet that objective. Such additional funding then for administration can come from local assistance funds and need not be a demand on already overtaxed S.E.A. operating funds.

Contrary to some popular thinking, migrant children do not often participate in E.S.E.A. Title I programs. Often when schools are "screening" children for eligibility for Title I, the migrant child is not yet a resident of the school district. Some school districts "screen" eligible children in the spring and others delay until immediately after the opening of school in the fall. In either case, often the migrant children are not yet present to be "screened." Further, if the children are in the district at the time of the establishment of eligibility, they are still often not included in Title I E.S.E.A. programs. Consider please, gentlemen, that the states are generally allocated less than 50% of their appropriation levels for E.S.E.A. Title I Children. Schools must make selections for participants in Title I programs based on severest needs, minimum cost per child standards, comparability standards from school building to school building, and other variables such as the type of program being offered, the length of time the program will operate, the amount of equipment and number of personnel available to meet special needs, etc.

Through the school door walks the migrant child. Given the priority of needs, the numbers of year round resident children who are Title I eligibles, that migrant child who walks through that school door at various times during the school year does not become a full participant in the Title I program.

You realized that in 1966 when you categorically set aside Title I funds for that migrant child.

I mentioned earlier that the needs of these children go beyond the category of education only. The rules and regulations governing the operation of programs for migrant children recognize the needs range and allow the state program director flexibility in programming to serve migrant children. The rules and regulations state specifically that the state director will cooperate with other agencies funded to serve the migrant population. Funding is available for migrants from the Department of Labor (C.E.T.A., 303), the Department of Health (Migrant Health Programs), the Office of Child Development, and from a number of other public and private sources. State program directors co-fund many programs for migrants in order to include as many eligible children and their parents as possible in programs meeting a wide range of needs. The state program director has to keep himself informed of the various funding sources and has to plan and negotiate with diverse agencies in order to dovetail services and avoid duplication of those same services. Again then the S.E.A. finds itself in a rather different role in administering the migrant program.

The above statements are my attempt to outline briefly to you a few considerations regarding the administration of migrant education programs. The programs are unique and different at all levels of operation. You foresaw that uniqueness when you legislated so permissively and flexibly regarding the nature and administration of those programs. I urge you to continue such thinking in tune with the reality of the situation of the migrant child.

SUMMARY

1. In Migrant Education the State Department is both an S.E.A. and an L.E.A.
2. S.E.A. funding for migrant program offices can be taken both from regular Title I one percent and local program assistance funds.
3. Migrant children are not generally included in regular Title I programs.
4. Many funding sources hold education components that should be coordinated by the S.E.A.

CONCLUSIONS

We need an organizational structure that encompasses all levels—national, state and local for this program, which is responsive to the realities governing the needs of the migrant children we serve. The system must be flexible in order to shift resources and services from where the children have been to where the children are . . . and do it rapidly.

The potential benefits of this program to migrant children are immense, and many of them are beginning to be realized. However, if indeed the program is motivated by the goal that "migrant children, upon reaching adolescence, will have the same choices for life as other children in our society," then we must assure that we maximize our limited resources to attain this goal. I believe my recommendations are a primary direction required for this purpose.

MIGRANT EDUCATION GOAL

Upon reaching late adolescence, migrant children will have the same choices for life as other children in society.

Migrant Education Section Senior Objectives

1. In all districts which have migrant education resources, migrant children will receive all services available to all children, as well as supplementary services funded through migrant education.
2. All migrant children receiving services from migrant education funds will evidence a state of health and welfare which will not debilitate their achievement in school.
3. Migrant children's achievements in school will be such that they can successfully progress sequentially through the entire educational program.
4. All migrant children in California will be attending school and receiving benefits from the migrant program.

5. In all regions which are contractors with the State, the migrant education program will be implemented as prescribed in the contract, the regional plan, the California Master Plan for Migrant Education, and all other documentation providing direction to the program.

6. All staff employed from migrant education funds, at state, regional and local level will be accountable for full-time service to the migrant program and migrant children.

Mr. LOPEZ. Thank you, Mr. Chairman. Again, for time limitations and so forth, and to give the committee an opportunity to ask questions of the State directors, I will quickly go through and summarize the testimony that I have prepared for your consideration.

My testimony is based on a series of observations and conclusions that span my years of involvement with migrant programs at the State and national level. I hope that they can be of some assistance here to help you and help us to improve the organization and administration of the program.

As you well know, no precedent exists relative to the unique relationship between migrant program offices in the U.S. Office of Education (USOE) and the State education agencies (SEA). Traditionally and typically USOE funding to SEA involves the SEA as a regulator of formula grants to local education agencies (LEA), such as the instance of general title I, ESEA funding.

Generally what you have at the national level, you are requiring the States to be regulators of formula grants to make sure that the program is implemented according to the regulations set forth by Congress.

In the migrant program, however, the State finds itself in the unique position of being both SEA regulated from the State level and also an LEA implementator, in addition to the role of enforcer of regulations.

The SEA finds itself involved in the actual operation of programs involving migrant children. State migrant program directors find themselves designing programs to identify eligible children, conducting needs assessments relative to those children, designing, and implementing programs that adequately meet those identified needs, and selecting evaluation criteria that focus on how well the program did meet the child's needs. The State program director finds himself stepping down through the layer of insulation that separates him from the LEA and he finds himself involved with children as well as management and administration. I think this is unique. It is also one of the most beneficial and positive things that can happen in education. A person responsible is actually out there in many cases teaching classes.

It has been my benefit, my privilege, to have actually sat down with children to give them lessons in Spanish and some translation into English and so forth. I think this is one of the reasons why many of us have stayed in this educational program for so long.

Now, in order to administer this charge, the State director has the benefit of ESEA title I one percent allocation funds. This I am sure we are going to be addressing ourselves to later. In other words, he has one percent of the total allocation that the State receives for title I administration.

In addition to that, and again this makes it unique, is the fact that he may, because he is actually out there helping with the instruction and the evaluation of children, he has the benefit of what we call program money to carry out his responsibilities. So again, the benefits of being a State director of migrant education is a fact that you are actually out there in the field, and you do have the resources that normally are allocated only to the local school district.

Contrary to some popular thinking, migrant children do not often participate in ESEA title I programs. This is a very important fact to recognize. Often when schools are screening children for eligibility for title I, the migrant child is not yet a resident of the school district. Some school districts screen eligible children in the spring, and others delay until immediately after the opening of school in the fall, and in either case, often the migrant children are not yet present to be screened.

Further, if the children are in the district at the time of the establishment of eligibility, they are not often included in title I programs, or any other program, for that matter. Consider, please, gentlemen, that the States are generally allocated less than 50 percent of their proposed levels for ESEA title I children, and with that amount of money, of course, they have to do so many things that what happens is the money is pretty well depleted before it gets to the migrant child.

Of course you realized that in 1966 when you categorically set aside title I funds for that migrant child—and again I am emphasizing this: Let's not forget the reason why migrant education became an amendment to the 1965 ESEA title I is because you recognized the fact that migrant children would not be served with the regular title I—and you were right, gentlemen.

I am not going to continue giving you more facts here that you already have, but I would like to summarize my statement.

In migrant education the State Department is both an SEA and LEA.

The State department of education funding for migrant program offices can be taken both from regular title I one percent and local program assistance funds.

Migrant children are not generally included in regular title I programs.

Many funding sources hold education components that should be coordinated by the SEA.

Let me conclude: We need an organizational structure that encompasses all levels—national, State and local—for this program, which is responsive to the realities governing the needs of migrant children we serve. The system must be flexible in order to shift resources and services from where the children have been to where the children are, and it must be done rapidly and quickly.

Potential benefits of this program to migrant children are immense, as you well know, and the program is motivated by the goal that migrant children upon reaching adolescence will have the same choices for life as other children in our society. Towards this end, we must assure that we maximize our limited resources to attain this goal.

Gentlemen, I think that my recommendations are primarily aimed at the direction that this might help you. I know that you have some questions I would be very happy to respond to. Hopefully I will give you some insights as to what actually must be done at the state level, and consequently at the national level as well.

We have a unique program here. We have a unique group of youngsters that heretofore before 1966, according to some statistics, less than 8 percent of the migrant children in the country were attending school. We are very happy to say that that percentage has increased, and with your help will continue to increase, so that we will not have the terrible statistics that NEA has shown presented to you continue for very much longer.

Thank you.

Mr. FORD. Thank you, Mr. Lopez.

STATEMENT OF RAUL DE LA ROSA, SUPERVISOR OF MIGRANT EDUCATION, STATE OF WASHINGTON

Mr. FORD. Without objection, the statement submitted to the committee by Mr. de la Rosa on behalf of the State of Washington will be inserted, and you may proceed to highlight or add to it as you see fit.

[The information referred to follows:]

PREPARED STATEMENT OF RAUL DE LA ROSA, SUPERVISOR OF MIGRANT EDUCATION, STATE OF WASHINGTON

Chairman Ford and Members of the Committee: My name is Raúl de la Rosa. I am Supervisor of the Migrant Education Program for the State of Washington, Chairman of the Western States Coordinating Council for Migrant Education (WSCCME), member of the Executive Committee of the National Association of Directors of Migrant Education. I would like to thank you for this opportunity to present testimony on the Migrant Education Program.

I would like to outline for you a framework of the Migrant Education Program. Within this framework we can see the partnership that does or should exist among the United States Office of Education (USOE), the States and the Local Education Agencies (LEAs) serving migrant children. Conclusions can be drawn as to whether any member or members of this partnership are impeding the ultimate delivery of maximum services to migrant children.

Migrant children bring to the schools a unique set of needs which our educational system is not prepared to meet. USOE, state and local policies and practices have evolved around students who are static. The migrant child does not fit this *pattern*. To cite a few examples: (1) The regular student has a complete academic record on file. More often than not, we have no knowledge of the reading and math status of the migrant child. (2) The regular secondary student accrues graduation credit for course work. The secondary migrant student loses his/her credit because of differences in state requirements and course descriptions. (3) Local health and medical agencies have records for the resident student. His/her parents have access to, and know how to obtain, local services. The migrant child has no permanent health records and often his/her parents are ineligible for, or don't know how to obtain, local services. (4) Educational programs for each year for regular students are planned for a known population with predictable needs and composition. Testing on a pre/post test basis is usually routine for the regular student. Migrant student programs and needs must be estimated each year, with built-in uncertainty as to student population and needs. Testing through pre/post testing is complex, with control samples almost impossible to achieve.

The LEA is given the responsibility of providing direct services to migrant children. The nature of the services is predicted on each state's State Plan for Migrant Education. The State Plan serves as the only element among the projects binding them to design programs manifesting some type of continuity for migrant children. This serves adequately for migrant children moving within the state. For the most part, however, interstate migrant children—those coming from other states—lose even this small measure of educational *consistency*.

Ideally, portions of the State Plan for Migrant Children would be developed in concert among those states sharing large numbers of migrant students. The design would include common program objectives and a continuous curriculum to meet the needs of common students. In reality, however, fifty states prepare fifty isolated and independent State Plans. The student is served within the border, with little or no thought or planning providing a relationship between what services the migrant child has or will receive before and after he/she crosses state boundaries.

There are notable exceptions to this. The Migrant Student Record Transfer System (MSRTS) provides limited program information and transfer of some vital student health and academic data. On the other hand the MSRTS has uncovered new problems. For example, we in Migrant Education, did not realize the total unavailability of techniques for describing student status with respect to reading, math and other subjects. The recent emergence of skill based programs now creates the need to supply detailed up-to-date information to teachers, particularly local teachers beginning to use precision skill teaching. Lack of precise information on the migrant child will put him/her at an even greater disadvantage.

There have also been regional attempts at interstate cooperation. The western states of Arizona, California, Colorado, Idaho, Kansas, New Mexico, Oregon, Texas and Washington have joined into the WSCCME for the purpose of coordinating services to migrant children in the Western Stream. The Eastern Stream states have a similar organization. The State of Washington initiated a credit exchange program with Texas, aimed at assuring graduation credit for course work done by secondary students.

These and other isolated efforts are independent actions encouraged by the national migrant staff who at times, however, are uncertain as to the extent to which they can promote and sanction interstate endeavors. This uncertainty is typical of the morale existent among the national migrant staff, the result of an absence of clearly delineated authority to execute programmatic direction, especially when this direction is sought by the states. An example of this is seen in an attempt by the state directors to form a committee to study further ways to improve and expand utilization of the MSRTS. The migrant directors recognized the need for USOE sanction and sought it. The national migrant staff supported the idea and was fully aware of the need for this expanded use. Yet, when sanction was sought from USOE, policy level authority failed to render the type of support one would expect. As a result of this action, the states formed their own committee, which has already approved a management plan to carry out a major revision in MSRTS academic information. I strongly believe that had we not taken independent action we would still be involved in seeking approval. And yet, before any changes can be made we must seek USOE approval.

It is apparent, therefore, that there is little or no national coordination other than that which the state directors generate and the limited support the national migrant staff can give. In Migrant Education there is a need for a visible national level policy to set the tone and provide for interstate programmatic unification for the benefit of the migrant child. Further, unless Migrant Education is recognized as having unique needs different from those programs for the static child, it continues to take its place as an illegitimate child treated as an afterthought in the complex structure of Title I Regular.

I know of no other program that is so unique in that the child is totally dependent upon the cooperative efforts of federal, state and local educational agencies. As our society becomes increasingly more mobile there could conceivably be a day when educators will look to Migrant Education for solutions to problems in serving all children. Therefore, when we succumb to bureaucratic structures in which decision-making is labored we once more demonstrate our incapacity to focus our direction on the needs of children rather than the needs of institutions.

Chairman Ford and Members of the Committee: Again, I want to thank you for the opportunity to present my views.

Mr. de la Rosa. Chairman Ford and members of the committee, I am very pleased to be here. I am here because I feel that this is an excellent opportunity for me to impart at least some of my knowledge and my understanding of the migrant program. It is also gratifying to come before you with the knowledge that the Superintendent of Public Instruction, Mr. Frank Roulette, encouraged me to come before you and to speak to you about some of the unique problems which we have encountered in the State of Washington working with migrant children.

I would like to add for the record that Dr. Roulette is a friend of migrant education, and many of the program objectives that we have initiated in the State of Washington and are carrying out are a result of the fact that he is very supportive of many of the activities in which I have become involved.

As I indicated to you in my statement, there is a need to focus on the fact that migrant children are children that belong to the Nation. There is a tendency at the State level to become parochial in that we think that because migrant funds have been allocated to that State, therefore that State is to utilize those funds to create programs in the typical fashion in which we generally implement educational programs.

We tend to focus on the fact that we deal with a nonstatic child or a nonmobile child, and all programs that do evolve at the aid level without the constant vigilance and constant direction of the State are always geared to look at the child, assess his needs and develop educational programs in terms of the normal regular child.

This has created a problem. It has created a problem in that it is my personel opinion that the Office of Education, the States and the local educational agencies have failed to concentrate on the unique needs of migrant children and the need to develop and design interstate programs.

As pointed out to you, each of us has a responsibility, each of us must assure that in every instance that we look at the migrant child, we concentrate on the fact that there must be continuity of education.

This, of course, was one of the prime reasons that motivated us in the State of Washington to look at other alternatives for creating secondary school programs for migrant children. If the question were asked of me now as to why the secondary child faces so much difficulty and why indeed there is the gross dropout rate among the migrant children, we must remember that migrant children, secondary students travel for only one reason, and that is to work. Their intent is not to travel to another State to go to school as their younger siblings do; they must be out in the field. Consequently, their attendance is basically reduced to 6 months, rather than the normal 10-month period.

As the child works out in the field, and he begins to work at the sixth grade level, many at the fifth grade level, but certainly at the seventh and eighth grade level that child is already a major factor in the economic development and stability of the family. As he gets older he becomes less and less able to cope with the fact that he is much older than his peers, and he does not want to go to school. He does not want to be placed in a level commensurate with his achievement level. He wants to be placed in a level commensurate with his chronological age. And many times the institutions are incapable of dealing with that student, and you do find 15 year old children placed, or students placed with children who are much younger than they are. This has a tremendous psychological impact on that child. His image is constantly on a threshold of being decimated because he cannot cope with that reality.

The fact that our school system talks about a curriculum and we talk about accrual of credit, that is not the case, gentlemen; that does not exist. We have found instances through our program where a child goes back to a State and he carries with him a course title which is identical to a course title in a receiving State, and at times he cannot transfer that credit because the receiving State does not have sufficient information and is unwilling to grant that credit, even though the titles are similar.

We have found that in our secondary credit exchange program. We have found in our program that we have had to utilize the telephone, and in many cases we have gone personally to meet with counseling departments for us to get this credit transferred.

I would like to speak to a very delicate but rather complex problem that exists, at least from my perception as a State director. I think that there are times, and I have seen times, when the migrant education staff within the complexity of the title I structure has been willing to look at viable alternatives for the development and creation of programs which can help us, the State directors, meet the needs of migrant children on an interstate level, but there is at times an uncertainty on the part of the migrant staff in that there is a lack, or at least there is an absence of clearly delineated authority to execute programmatic direction.

This ambivalence or this uncertainty on the part of migrant staff as to how far they can carry out some of this programmatic direction in light of the fact that much of the policy direction emanates in another department or another office has sometimes caused some frustration on the part of our State directors.

I cited to you the example of the action that was initiated last year at our conference, the national conference, at which time we, the directors, as a result of an evaluation wanted to create an STMS committee in order for us to look into the problems expressed by the Exotech study, in order to respond to and improve the migrant record transfer system. Yet when this was sought, we became involved in some bureaucracy, and ultimately the States decided that it was best to carry out the plan and the objective of doing our own self-analysis of the migrant record transfer system.

But ultimately we must go back to the U.S. Office of Education for approval, and that is the sad fact, that the U.S. Office of Education at times has been, if not reluctant, certainly has been uncertain as to the degree to which they can support the objectives of the migrant children program.

I am concerned about the fact that the legislation which you propose, and that you promote, is ultimately converted into policy administration, and sometimes that policy administration does not necessarily work or carry out the intent of the law. Not that there is any intent here to malign any administrator at the U.S. Office of Education; however, I do believe that there is a tendency in the bureaucratic structure to succumb to these problems.

Mr. FORD. Excuse me. If you would look at the transcript of the last hearings we had, you would find on this side of the table we came to the conclusion that you have just indulged in one of the greatest understatements we ever heard when you say that sometimes the policy that we enact into law is not followed.

Often we find no evidence of a relationship between what they are telling us from the USOE and what we thought we were writing into the law at all, and I thought——

Mr. DE LA ROSA [continuing]. I do appreciate your efforts. I feel very strongly about this, and I don't know how you are going to rectify the problem, but——

Mr. FORD. Next year.

Mr. DE LA ROSA [continuing]. I do appreciate your efforts. With that, I conclude my statement.

Mr. FORD. Thank you very much.

STATEMENT OF JESSE M. SORIANO, SUPERVISOR, MIGRANT EDUCATION PROGRAM, MICHIGAN DEPARTMENT OF EDUCATION

Mr. FORD. Without objection, the statement presented by Mr. Jesse Soriano on behalf of the State of Michigan will be inserted at this point in the record in full, and you may proceed to comment on it.

We are trying to make notes of what to come back and ask each of you. If any of the rest of you hear something you want to comment on, something one of your colleagues said, go ahead and do so.

[The information referred to follows:]

PREPARED STATEMENT OF JESSE M. SORIANO, SUPERVISOR, MIGRANT EDUCATION PROGRAM, MICHIGAN DEPARTMENT OF EDUCATION

Michigan today continues to be one of the largest users of seasonal migrant farm labor in the nation. It is estimated that for this coming summer, a seasonal migrant labor force numbering upwards of 30 thousand persons will stream into Michigan and harvest its abundant crops. As in the past, this labor force will bring with it pre-school and school aged children and youths direly in need of educational programs designed to meet their unique needs. In Michigan, as in many other states, it will be the Title I Migrant Education Program which is the single most important provider of categorical services to migrants.

Ironically, as the size of the seasonal migrant labor force has diminished in Michigan, the number of children availing themselves of Migrant Title I educational services has increased. While certainly such an increase can be attributed to a variety of factors, we in the Michigan Migrant Program would like to suggest that the increase is, in fact, a tribute to the success of the Michigan Title I Migrant Program.

Without question migrant education, not only in Michigan, but throughout our country has been successful. In Michigan the success can be measured not only in terms of its effect upon children but also in its impact upon the educational community of the state. It has been migrant education which has provided the main impetus for bilingual/bicultural education. It has been migrant education which has trained hundreds of teachers to work with culturally and linguistically different children. It has been migrant education which has brought about greater community awareness and understanding of our multi-ethnic society.

The intense opposition encountered by migrant education in its early years; from growers, school boards and even migrant parents has greatly diminished and today in Michigan we can count some of our largest growers as advocates and supporters of Migrant Title I. Today we find few school districts denying us the use of their buildings and busses. Today migrant parents trust us, and willingly send their children to our centers. In fact, many have expressed that they look forward to coming to Michigan so that they may send their children to our schools.

Still this isn't to say that all barriers have been hurdled. Occasionally we still find an individual, a school board or a legislator who is not completely convinced of the worth of migrant education. However, they are few in number.

The major concerns in migrant education today appear to be more appropriately related to the administration and organization of the program. These in turn can be put into two major areas; first, the improved coordination and cooperation of Migrant Title I with other agencies providing similar services to migrants, and second, the appropriateness and relevancy of the rules, regulations and policies which govern Migrant Title I ESEA.

In spite of the fact that the Migrant Title I legislation explicitly calls for inter-agency coordination and cooperation, such cooperation and coordination exists only at a minimal level. There still remains duplication of effort, overlapping of services and outright competition between programs. While one might point out a number of factors which impede a more effective coordination and cooperation, much of the problem lies in the rules and regulations governing the various programs, as well as in the program goals which are duplicated from one agency to the next. A case in point might be, the pre-school migrant programs funded by the Office of Child Development, the pre-school migrant programs funded by Title III-B of OEO, the pre-school programs funded through Title I ESEA and finally the pre-school program services which are funded by the new title XX of the Social Security Act of 1975.

In all of these cases, the client population is the same, however, the rules and regulations governing the delivery of services, can be, and often are incompatible from one program to another, thereby reducing the possibility of coordination. One outstanding example of how inimical one program's rules and regulations can be to another program's operation, is the migrant eligibility verification requirements of Title XX of the Social Security Act of 1975.

In order to understand the effects of the Title XX requirements one needs to understand that in order for many of the Title I ESEA programs to operate, an infant care or pre-school component must be in operation. Except under exceptional conditions, Title I ESEA cannot provide such a component. If there is no day-care or pre-school program, then the school age children must remain at the camp sites to care for younger brothers and sisters and will thereby not attend the Title I ESEA programs.

Under the new Title XX, the eligibility verification requirements are so stringent and complicated, that it is questionable whether, migrant parents will even bother to apply, and funding for infant day-care and preschool programs will be jeopardized.

Clearly then, it indicates to us at the state level that communication, cooperation, and coordination at the federal funding source level is less than adequate. Until such coordination and cooperation is more evident, state agencies will have difficulty implementing migrant programs which efficiently and effectively maximize the resources available.

Perhaps even more critical to migrant education at this stage of its existence is the lack of currency and appropriateness of the rules, regulations and policies which govern the program. Title I Migrant, it must be stated, is at this late date still operating without its own rules, and regulations.

It would appear to many of us in the state agencies that at the federal level, the uniqueness and importance of migrant education has not been clearly established and defined in contrast to its parent program, Title I ESEA. That this is the case can be seen in the apparent misunderstanding of the administrative role of the state agency in Regular Title I, versus the role of the state agency in Migrant Title I.

In migrant education the state assumes not only the administrative role, but also the operational role in the program. The function of the state migrant program office is a much more comprehensive and extensive one than is that of the Regular Title I office. Yet the rules and regulations have failed to take that into account.

If migrant program administration continues to be defined as it presently is in the proposed rules and regulations, Section 116d.33 of sub-part D of Title 45 of the code of Federal Regulations, Office of Education, then the amount of funds presently allowable for administrative expenditures under Title I ESEA, are insufficient. The main point, however, is that administration is improperly defined as it relates to state migrant program operation.

Aside from inappropriate rules and regulations, there is a question of ambivalence, here I have reference specifically to the inclusion of former migrant students Section 116d.35 of sub-part D of Title 45 CFR.

This ambivalence may very well provide the basis for future conflicts not only between state agencies and client local school districts, but also with state agencies and the U.S. Office of Education.

This is particularly true in a state such as Michigan, which finds its former migrant population increasing at a rapid rate.

More accurately, the conflict in this instance occurs because former migrant students can generate more funds for a state program, on the basis of the new funding procedures. Yet according to U.S. Office of Education Migrant Program Guidelines, the interstate moving migrant child must receive first priority. A state, then if adhering strictly to the rules, regulations and guidelines, must first serve the moving migrant child, thereby being forced to reduce the services to the former migrant child, which in turn results in a loss of possibly more funds for the subsequent year.

The state agency then is placed in a position of having to decide in favor of the avowed intent of the legislation, that is provide for interstate migrants first, versus providing for former migrants who also have great need, and who can generate more funds for future programs. This clearly imposes an almost intolerable responsibility upon state agencies.

In conclusion, it appears that if the migrant education effort is to achieve its maximal success two things must happen; first, the uniqueness of the migrant programs must be recognized at the federal level with appropriate administrative and organizational changes taking place. This is particularly true in relation to rules and regulations; second, the model for interagency communication coordination and cooperation must be set at the federal level, in order to reduce duplication of effort, as well as the encroachment of one program upon the other.

Only through such changes can migrant education continue to be one of the finest programs ever to emanate from the United States Office of Education.

Mr. **Soriano**. Thank you. It is indeed a pleasure to come before you once again. We worked together some 2 years ago, I guess now, and interestingly enough, I think we are coming back again with some of the same observations and some of the same concerns that we articulated some years ago.

I think as we look at migrant education in Michigan, Michigan is one of the largest receiving, if not the largest receiving State of migrant labor, though it has decreased in use of the seasonal farm labor. The number of children which we find in our migrant schools has increased, and very frequently people say "That is rather interesting. Your labor force has gone down, but the number you are serving in your migrant centers has gone up," and they say "How do you explain that?"

There are a number of factors which would explain that, obviously, and I don't think we can get into all of them, but we would like to think in Michigan at least the reason for the increase can be attributed to the success of the migrant education program in our State, and without question I think migrant education in Michigan, and not only in Michigan but throughout the Nation, has been an astounding success.

I think there were some folks who when migrant education came into existence some years ago supposed it would be a fad, it would depart, in time it would not be successful because of the tremendous odds that were then obvious.

In spite of the opposition, I think in spite of the intense opposition that migrant education has encountered, from growers, from local communities, from school people, from the school community, and very often from legislators, migrant education has been a success.

I think we ought to suggest that the success of migrant education, and this is for those folks who are opponents of categorical aid in education, the success of migrant education has benefited the entire Nation and all the educational communities. If we look simply at Michigan, it has been migrant education in Michigan that first provided impetus for bilingual education. It is migrant education which trained hundreds of teachers for the first time to work with culturally and linguistically different children, and it has been migrant education which for the first time gave many State departments of public instruction an opportunity to assume a rather forceful leadership role in education.

The intense opposition which we once encountered, of course, is not as obvious now, and we are very fortunate in Michigan in that many of our local school districts now support, are entirely supportive of migrant education. And in fact, we have several of our large growers who have become enlightened and also support migrant education.

This isn't to say that all the problems have been taken care of, and I think we still find ourselves with some very real concerns which have become perennial by now, and which as State directors we are certain will impede the further progress and success of migrant education. Those concerns are now related to the administration and organizational areas of the migrant program.

I think it is interesting to note that as we talk among the five State directors here, as we talk—and we hadn't touched base with each other, incidentally—some of the things that we wrote down as part of our testimony were exactly the same things. But then we have talked about these things for some years.

I think we are concerned. The concerns that we have with regard to the organization and administration of the program on a very general basis can be in two areas. One deals with the coordination and cooperation of the migrant title I program with other agencies, with other agency programs, who provide similar services to migrants.

The other concern has been the appropriateness and the relevancy of the rules, regulations, and policies or guidelines which presently govern migrant title I, ESEA.

If I may touch on the first one, the matter of coordination: I think in spite of the fact that the migrant title I or title I legislation explicitly calls for interagency cooperation and coordination, such cooperation exists even at this time only at a minimal level. We still find, at least in my State—we still find duplication of effort, we still find overlapping of services, and very frequently outright competition between the various programs, various agency programs, competition for the same client.

I think while we may again point out any number of factors which impede cooperation and coordination—and some of them are very real—much of the problem lies in the lack of communication at the Federal level between the agencies which fund such programs. That lack of communication, I think, can be seen in the rules and regulations which are written for each program and which very frequently are incompatible with other agencies, and which in some cases may be outright inimical. Some of the areas I might point out would be areas as old as title 3(B) of OEO, and presently one of the programs, one of the programs with which we will encounter some conflict will be the new title 20 of the Social Security Act of 1975.

I think in all of these cases, in spite of the fact that the population is the same, again in the services, they are about the same, the rules and regulations which govern those funds are different.

I think as an example I might point out that the new title 20 Social Security Act of 1975 rules and regulations with regard to verification of eligibility will make some of our programs almost impossible, some of our title I programs almost impossible to operate. What will happen is that the new title 20 rules and regulations may very well preclude the funding of day care services and preschool services in some areas, and without bringing in the preschool children, the infants into our centers, we are unable to bring in the older youngsters into our title I programs. And title I migrant cannot provide, does not have sufficient money to provide infant care or preschool programs as well as youth education programs.

Clearly then as I say this indicates a lack of communication at the Federal level. That is one of the areas.

I think even perhaps more critical to us as State directors in the educational agencies is the lack of clarity, the ambivalence, the ambiguity that seems to pervade the rules and regulations which presently govern migrant education.

As we look at the proposed rules and regulations, the inappropriateness of some of those, the inappropriateness I think has already been established by Mr. Lopez as he talked about the distinction between the State agencies in migrant education and the State agencies in the implementation of regular title I SEA programs.

The migrant education program, the administration of the migrant education program at the State level is without question far more comprehensive, far more complicated an activity than the implementation of regular title I programs. That hasn't been recognized in the proposed rules and regulations, and in fact, if we look at some of the proposed rules and regulations now, particularly section 116(D) (33) of subpart (D) of the proposed rules now, "administration" is defined in terms of what takes place in title I by doing that, the funds which are presently available for the administration of title I migrant programs is, that amount is insufficient if we are to abide by those definitions of administration and what is allowable, what expenditures are allowable. I think this is one of the cases.

The other case that comes for us as a very important one is the whole question of the funding of 5-year migrants. That is still a question that is surrounded by a great deal of ambivalence, even though many of us are of the opinion that the settled migrant should be provided with some assistance. We still are not at a point where the Federal office, U.S. Office, has made it very clear to us what it is they want us to do with the 5-year migrants.

Inasmuch as the 5-year migrant now can generate funds, and in fact the 5-year migrant child can generate more funds than the moving migrant child, this seems to be in conflict with the priorities established by the U.S. Office in title I whereby we say that the moving child should receive No. 1 priority. If we in all State agencies were to adhere to the priority that means they would not serve 5-year migrants in many instances, or they would reduce their services to 5-year migrants. By reducing their services, they would also possibly reduce the amount of funds that are generated for that State and the amount of funds that are available for the subsequent years operation.

This places a State director such as myself or a State supervisor such as myself in almost an intolerable position. I have to decide whether I operate a program in favor of the intent of the legislation, that would be to serve the moving migrant child, or serve the 5-year migrant child who can generate more funds.

I think that those are some examples, and I think in conclusion, it would appear to me that there are some things that have to take place very soon, and that is that the uniqueness of migrant education programs must be recognized at the Federal level with the appropriate administrative and organizational changes. I think this is particularly true in relation to the rules and regulations; and second, it must be at the Federal level that a model is established for interagency communication, coordination, and cooperation in order for the States to follow suit. I think only through such changes can migrant education continue to be one of the best programs that has ever come out of the U.S. Office of Education.

Thank you.

Mr. FORD. Thank you.

STATEMENT OF JOSEPH E. DUNN, MIGRANT EDUCATION COORDINATOR, PENNSYLVANIA DEPARTMENT OF EDUCATION

Mr. FORD. Now, Mr. Joseph E. Dunn, migrant education coordinator for Pennsylvania.

Without objection, the prepared statement of Mr. Dunn will be inserted in the record in full at this point, and you may proceed to highlight or amplify your statement as you see fit.

I would like to say before you start, Congressman Dent of Pennsylvania, who is a member of this committee, was going to be with us, and has not been able to join us yet, but he is watching us very closely.

[The information referred to follows:]

PREPARED STATEMENT OF JOSEPH E. DUNN, MIGRANT EDUCATION COORDINATOR, PENNSYLVANIA DEPARTMENT OF EDUCATION

Mr. Chairman and members of the Committee on Agricultural Labor. On behalf of the children of those parents who are forced to make their living by moving from place to place to work in agricultural occupations, it is my pleasure to share with you our concerns for these forgotten people. The term "forgotten" is used advisedly—for these are the individuals who are seldom thought of—or spoken of—except on those occassions when headlines of our newspapers and the TV newscasters publicize actions and activities which our society considers a crime. Even then, we are likely only to think, or perhaps even ask, why do these people behave the way they do? Why do they live under such deplorable conditions? Why do they accept life as it is today without thinking of the future? If we truly desire answers to some of these questions, we must first understand the plight of the migrants; and to do that, we have to look deeply into their family background, their present environment, their education, their motives, and their aspirations. It is apparent that this committee has assumed the responsibility of taking that "deep look" and it is to the "educational aspect" which we will direct our remarks.

According to the computer for the National Migrant Record Transfer System, over 500,000 children in the United States of America have parents who are migrants and, in Pennsylvania this this past season, we have had 1,770 children whose parents are agricultural workers and have become migrants under the pressures of harsh necessity.

Many of these parents are unskilled, often illiterate. As a matter of fact, despite numerous attempts to provide good educational opportunities, the average adult migrant has a formal education of about fifth-grade level, but cannot read or write in English or a native language. When one spends long hours in a cramped position to pick asparagus, or tomatoes, or beans, one does not feel like even taking a good bath, let alone sit in a classroom where traditionally the only experience has been failure. If you are tired, discouraged, discriminated against, stuck without transportation, cold, lonesome, broke continuously, living in overcrowded and unsanitary conditions, how can you be expected to have an optimistic attitude toward life? Being passive by training in order to survive and present oriented, the migrant, by definition, inhibits the possibility of improving his dismal situation—transiency makes change difficult. This disadvantaged syndrome is perpetrated by raising migrant children within these confines and limitations. Even the ghetto dweller comes out ahead of the migrant in levels of education and income.

Mr. Chairman, thus far, I have said very little about migrant children, not because I want to neglect them, but because I hope that through this testimony, your committee will gain, or increase its panoramic view of their parents and what life is really like for the "small ones".

Toys are a rarity among migrant children. It is hard to find a book in a migrant camp; and if the child does not go to school, it is perhaps because he has no shoes or adequate clothing. When he does go to school, the nice classroom, the abundance of playthings, the warmth and kindness of those working for and with him may "turn him on", but then comes the time at the end of the day when he must return to the migrant camp or dwelling. Frequently, these children will cry pathetic tears because they don't want to leave school. It is universally accepted and statistically proven that there is a high correlation between a child's academic achievement and his home environment.

Despite their displeasing surroundings, miraculously those children are vivacious, full of pep, ready to learn, and willing to listen after the proper rapport has been gained with their teachers. When the migrant child goes to school, he has three basic problems which are not common among his more advantaged peers. First, he feels automatically inferior to the rest of the group because of the way he is dressed. This lends itself to a high absenteeism rate. Secondly, his vocabularly is limited. Thus, it is difficult for him to follow instructions. Oh yes, he does have a vocabulary, but unfortunately it is not one that is usually accepted by middle class teachers and societal standards. In my professional judgement these words and phrases, which are commonly used, need not be repeated in these chambers. The third problem is the teacher; he or she is the symbol of "the establishment" which the migrant child's culture has taught him to resist. If the teacher cannot detect this tendency in the migrant child, both are in for trouble. Much understanding, patience, talent, and above all, love is essential to bring about the educational achievement, small as it may be, which we have attained thus far.

One often hears that migrant workers cannot be helped because they are satisfied with their way of life. My experience indicates that this is not true. They would like to get away from it all, to have a decent job, to better themselves and above all to better the lot of their children who are their major concern. They do want their children to attend good schools, get away from the farm life entirely, and "become somebody". They are not alone in their hopes. Ask a migrant child about his future and what his plans are and he will surprise you perhaps, by stating, as would your own child, that he would like to be an astronaut, a doctor, a teacher, a nurse, even perhaps a legislator. They begin their schooling with these hopes in mind, but hope fades away once they are forced to go to work and to drop out of school. Before long they accept the fact that they are tied to the farm, as were their parents. The earlier dreams of the parents for their children's eventual success will remain just that—empty dreams—because society didn't care enough to see to it that that child ever really had a chance to "become somebody".

Back in 1966, the Congress of this great United States decided to give migrant children a chance to "become somebody" when it amended Title I of the Elementary and Secondary Education Act to give the U.S. Office of Education authority and funds to improve educational programs, and in some instances, initiate programs specially designed for the needs of migrant children.

Since that time, my colleagues, and I, and 50 state migrant education coordinators or director, have had to struggle with such questions or statements as—migrants—What's that? I didn't know that we had migrant workers in our state! Why should we concern ourselves with those people—they are only here a short time? Why should those kids get special attention? They are Chicanos, or dumb black Southerners, or Puerto Ricans who don't even belong here. Hey, take this program and spend the money. You can take care of it in addition to what you are already doing.

Mr. Chairman, even some of your colleagues and members of the bureaucracy charged with providing guidelines and administrative rules and regulations, are not convinced that we have migrant children or if it is admitted, tnat special monies should be provided for educational and supplementary services.

The Migrant Education Program, I would dare say, has been investigated, looked into, criticized, ostracized, accused and doubted more than any other Federally funded program, in terms of national goals and the children whom we are serving. Even now, there is an attempt by the U.S. Office of Education to gain access to our National Migrant Student Record Transfer System which the state directors initiated, made it work better than any other similar attempt and are continuously updating its flexibility, as well as ensuring privacy of information. I ask you sir, is this good administrative practice—to assure parents that the information on their children will be kept in strict confidence, and then suddenly it is released to an outside contractor for a report whereby the best results will probably mean that some people had good jobs for a while collecting the data.

Approximately four years ago, a Federal monitoring team visited my state to look at the migrant programs. I was severely critized for serving five year provisional migrant children in some of my projects, yet the law clearly stated that these children could be served. I was not permitted to count them for reimbursement purposes either. Why wasn't this permitted? Why does management not comply with the law and what I consider was the intent of Congress? I understand that I am to be monitored again this year in January or February. The only migrants the team will see, at that time, are the five year provisional children whom we are serving. Why can't the team come during July and August when I have the heaviest concentration of migrant children? Who makes those decisions? That is truly an administrative decision.

I have been advised that there is some question as to whether I should enroll and serve the 700 teenagers who leave Pennsylvania every summer to go to other states to pick tobacco. They leave under a crew leader type system, live in camps or migrant dwellings, work very hard in an agricultural crop for which they receive minimum wages, cross state boundaries and return to a home base. Yet there are certain government agencies and management personnel who think that they should not be considered migrants. Why has it taken so long for Congress and the U.S. Office of Education to recognize that Puerto Rico, Guam, American Samoa, and the Virgin Islands and the Trust Territory of the Pacific Islands, have migrant workers whose children need help?

Are these administrative problems, as such, or apathy on the part of those in a position to make decisions?

I choose to believe that those who are in positions to make rational and sound decisions concerning migrant education, are not strategically located in the bureaucracy where their talents can be fully utilized.

Perhaps there is jealousy among the various agencies, because the migrant program has grown, has made an impact on the lives of those who harvest our crops and fish, as well as those who have dedicated their lives and talents to the children of migrant workers. The implementation and success of the Record Transfer System, the development of approaches and techniques for short term education programs which show fantastic growth through standardized tests, the innovative multi-lingual programs developed, the utilization of migrants themselves, as teachers and teacher aides, and the cooperative efforts among the states in the migrant program has caused me to believe that migrant education is the pattern for the future of education in America.

In 1976, Pennsylvania is hosting the Ninth National Migrant Education Workshop for those who work with migrant children. Two weeks ago, we held a planning committee meeting for that conference; of the 15 states comprising the planning committee, only eight states sent or permitted representation at that meeting. Even the U.S. Office of Education, who was invited, was unable to send a representative to help shape the program which will have great influenee on those in attendance at the workshop.

Are these administrative problems and decisions, or once again, apathy?

In this bicentennial year, we must ensure that migrants do not become an expendable anachronism. The band of migrants, who over 300 years ago, seeking to escape oppression, arriving in a new world and starting what is now the United States of America, did not work hard and long in vain.

The Congress of this United States, the representatives of the people, the agencies charged with the interpretation of legislation, individual states and local education agencies must work together in order to say to the migrant child, "come and let us go along together to the dignity and the standard of living that is the right of all American citizens, including our children of harvest."

Mr. DUNN. Thank you, sir.

Mr. Chairman and members of the Subcommittee on Agricutural Labor. Pennsylvania is the smallest of the receiving State of the States represented here at this testimony. We are basically a receiving State, but on behalf of those parents who are forced to make their living by moving from place to place to work in agricultural occupations, it is my pleasure to share with you our concerns for these forgotten people. We use the term "forgotten" advisedly, for these are the individuals who are seldom thought of or spoken of except on those occasions when headlines in our newspapers and the TV newscasters publicize actions and activities which our society considers a crime.

Even then, we are likely only to think, or perhaps even ask, why do these people behave the way they do? Why do they live under such deplorable conditions? Why do they accept life as it is today without thinking of the future?

If we truly desire answers to some of these questions, we must first understand the plight of the migrants; and to do that, we have to look deeply into their family background, their present environment, their education, their motives, and their aspirations. It is apparent that this committee has assumed the responsibility of taking that deep look, and it is to the educational aspect which we will direct our remarks.

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Many of these parents are unskilled, often illiterate. As a matter of fact, despite numerous attempts to provide good educational opportunities, the average adult migrant has a formal education of about fifth grade level, but cannot read or write in English or a native language.

When one spends long hours in a cramped position to pick asparagus or tomatoes or beans, one does not feel like even taking a good bath, let alone sitting in a classroom where traditionally the only experience has been failure. If you are tired, discouraged, discriminated against, stuck without transportation, cold, lonesome, broke continuously, living in overcrowded and unsanitary conditions, how can you be expected to have an optimistic attitude toward life. Being passive by training in order to survive and present-oriented, the migrant, by definition, inhibits the possibility of improving his dismal situation. Transiency makes change difficult. The disadvantaged syndrome is perpetrated by raising migrant children within these confines and limitations. Even the ghetto dweller comes out ahead of the migrant in levels of education and income.

Mr. Chairman, thus far I have said very little about migrant children, not because I want to neglect them, but because I hope that through this testimony your committee will gain or increase its panoramic view of their parents and what life is really like for the small ones.

Toys are a rarity among migrant children. It is hard to find a book in a migrant camp; and if the child does not go to school, it is perhaps because he has no shoes or adequate clothing. When he does go to school, the nice classroom, the abundance of playthings, the warmth and kindness of those working for and with him may turn him on, but then comes the time at the end of the day when he must return to the migrant camp or dwelling. Frequently, these children will cry pathetic tears because they don't want to leave school. It is now universally accepted and statistically proven that there is a high correlation between a child's academic achievement and his home environment.

Despite their displeasing surroundings, miraculously these children are vivacious, full of pep, ready to learn, and willing to listen after the proper rapport has been gained with their teachers. When the migrant child goes to school, he has three basic problems which are not common among his more advantaged peers:

First, he feels automatically inferior to the rest of the group because of the way he is dressed. This lends itself to a high absenteeism rate.

Second, his vocabulary is limited. Thus, it is difficult for him to follow instructions. Oh, yes, he does have a vocabulary, but unfortunately it is not one that is usually accepted by middle-class teachers and societal standards. In my professional judgment, these words and phrases which are commonly used need not be repeated in these chambers.

The third problem is the teacher. He or she is the symbol of "the establishment" which the migrant child's culture has taught him to resist. If the teacher cannot detect this tendency in the migrant child, both are in for trouble. Much understanding, patience, talent, and above all, love, is essential to bring about the educational achievement, small as it may be, which we have attained thus far.

One often hears that migrant workers cannot be helped because they are satisfied with their way of life. My experience indicates that this is not true. They would like to get away from it all, to have a decent job, to better themselves, and above all, to better the lot of their children who are their major concern. They do want their children to attend good schools, get away from the farm life entirely, and "become somebody." They are not alone in their hopes. Ask a migrant child about his future and what his plans are, and he will surprise you perhaps by stating, as would your own child, that he would like to be an astronaut, a doctor, a teacher, a nurse, even perhaps a legislator.

They begin their schooling with these hopes in mind, but hope fades away once they are forced to go to work and to drop out of school. Before long they accept the fact that they are tied to the farm, as were their parents. The earlier dreams of the parents for their children's eventual success will remain just that, empty dreams, because society didn't care enough to see it that that child ever really had a chance to become somebody.

Back in 1966 the Congress of this great United States decided to give migrant children a chance to "become somebody" when it amended Title I of the Elementary and Secondary Education Act to give the U.S. Office of Education authority and funds to improve educational programs, and in some instances, initiate programs specially designed for the needs of migrant children.

Since that time, my colleagues and I, the 50 State migrant education coordinators or directors, have had to struggle with such questions or statements as:

> Migrants, what's that? I didn't know that we had migrant workers in our State. Why should we concern ourselves with those people—they are only here a short time? Why should those kids get special attention? They are Chicanos, or dumb black southerners, or Puerto Ricans who don't even belong here. Hey, take this program and spend the money. You can take care of it in addition to what you are already doing.

Mr. Chairman, even some of your colleagues and members of the bureaucracy charged with providing guidelines and administrative rules and regulations are not convinced that we have migrant children, or if it is admitted, that special moneys should be provided for educational and supplementary services.

The migrant education program, I would dare say, has been investigated, looked into, criticized, ostracized, accused, and doubted more than any other federally funded program in terms of national goals and the children whom we are serving. Even now there is an attempt by the U.S. Office of Education to gain access to our national migrant student record transfer system which the State directors initiated, made it work better than any other similar attempt, and are continuously updating its flexibility, as well as ensuring privacy of information.

I ask you, sir, is this good administrative practice—to assure parents that the information on their children will be kept in strict confidence, and then suddenly it is released to an outside contractor for a report, whereby the best results will probably mean that some people had good jobs for a while collecting data?

In a recent meeting of the State directors we were presented with the work statement for that study, 120 pages of what is supposed to be done by the contractor. The final report is not due until 1979, a year after the current legislation expires.

I asked the specific question, how much money was this report going to require? I was refused an answer. But in reviewing this, I would estimate there would be several millions of dollars involved, an evaluation of the impact of ESEA's title I program.

Approximately 4 years ago, a Federal monitoring team visited my State to look at the migrant programs. I was severely criticized for serving 5-year provisional migrant children in some of my projects, yet the law clearly stated that these children could be served. I was not permitted to count them for reimbursement purposes either. Why wasn't this permitted? Why does the management not comply with the law and what I consider was the intent of Congress?

I understand that I am to be monitored again this year in January or February. The only migrants the team will see, at that time, are the 5-year provisional children whom we are serving. Why can't the team come during July or August, when I have the heaviest concentration of migrant children? Who makes those decisions? This is truly an administrative decision.

I have been advised that there is some question as to whether I should enroll and serve the 700 teenagers who leave Pennsylvania every summer to go to other States to pick tobacco. They leave under a crew leader type system, live in camps or migrant dwellings, work very hard in an agricultural crop for which they receive minimum wages, cross State boundaries and return to a home base. Yet there are certain Government agencies and management personnel who think that they should not be considered migrants. Why has it taken so long for Congress and the U.S. Office of Education to recognize that Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands have migrant workers whose children need help?

Are these administrative problems, as such, or apathy on the part of those in a position to make decisions?

I choose to believe that those who are in positions to make rational and sound decisions concerning migrant education are not strategically located in the bureaucracy where their talents can be fully utilized.

Perhaps there is jealousy among the various agencies, because the migrant program has grown, has made an impact on the lives of those who harvest our crops and fish, as well as those who have dedicated their lives and talents to the children of migrant workers. The implementation and success of the record transfer system, the development of approaches and techniques for short-term education programs which show fantastic growth through standardized tests, the innovative multilingual programs developed, the utilization of migrants themselves as teachers and teachers aides, and the cooperative efforts among the States in the migrant program has caused me to believe that migrant education is the pattern for the future of education in America.

There are five States that are cooperating and coordinating with the Commonwealth of Puerto Rico—the States of Connecticut, Massachusetts, New York, New Jersey, and Pennsylvania. We are the five States that received the majority of Puerto Rican children, and the Commonwealth of Puerto Rico has assigned from their State department of education employees to each of these five States to assist in the recruitment of migrant children and curriculum development and coordination between the programs that are taking place in Puerto Rico and the programs that are taking place on the mainland.

I would like to, sir, at this time, introduce the coordinator from Puerto Rico assigned to Pennsylvania, and a gentleman that I consider as my codirector, Senor Manual Reiso. Mr. Reiso.

In 1976, Pennsylvania is hosting the Ninth National Migrant Education Workshop for those who work with migrant children. Two weeks ago, we held a planning committee meeting for that conference; of the 15 States comprising the planning committee, only 8 States sent or permitted representation at that meeting. Even the U.S. Office of Education, who was invited, was unable to send a representative to help shape the program which will have great influence on those in attendance at the workshop.

Are these administrative problems and decisions, or, once again, apathy?

In this Bicentennial year, we must insure that migrants do not become an expendable anachronism. The band of migrants who over 300 years ago, seeking to escape oppression, arriving in a new world and starting what is now the United States of America, did not work hard and long in vain.

The Congress of this United States, the representatives of the people, the agencies charged with the interpretation of legislation, individual States and local education agencies must work together in order to say to the migrant child, "Come and let us go along together to the dignity and the standard of living that is the right of all American citizens, including our children of harvest."

Thank you, sir.

Mr. **Ford**. Thank you. And now Dale Hilburn, migrant education administrator for the State of Florida.

Without objection, the prepared statement of Mr. Hilburn will be inserted in the record at this point, and you may proceed, Dale, to add to it, underline, or whatever you will.

[The information referred to follows:]

Prepared Statement of Dale Hilburn, Administrator, Migrant Education Section, Florida State Department of Education

1. SERVING PRESCHOOL AGE CHILDREN

Since 1969 the State of Florida has had an extensive program for preschool age migratory children. There are presently in the FMCCP 210 classes serving 3, 4 and 5 year old migrant children. Each of these classes is taught by a certified teacher with the assistance of one aide. The State of Florida bases the establishing and maintaining of these classes for 3 and 4 year olds on paragraph A of Public Law 93-380 which states: ". . . that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children; . . ."

In January of this year (1975) the USOE conducted a program monitor of the FMCCP at which time they questioned the serving of the 3 and 4 year old migrant child based on paragraph D of Public Law 93-380: ". . . that, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose."

The interpretation of the USOE of the above paragraph is that 3 and 4 year old migrant children cannot be served until all migrant students ages 5-17 are served.

It is this interpretation that has caused much concern to the FMCCP and to the many parents of migratory children who are receiving the benefits of the preschool program. We are therefore suggesting that paragraph D be rewritten to specifically state that preschool children are to be included in the funding to states.

Attached is a copy of an evaluation completed in June of 1975 that shows the gains made by migrant children who have been in the 3 and 4 year old components of the FMCCP.

REVIEW OF FLORIDA EARLY CHILDHOOD READING READINESS GAINS

A.—INTRODUCTION

Background

A review of Early Childhood gains in language arts was undertaken in early Spring of 1975. The review was made on the basis of test scores from twenty Florida counties. The scores used in the review were those resulting from the pre and post testing procedures that are indigenous to each county's program.

Since the review was conducted after-the-fact, the following two factors constrained the experimental design:

1. Limited number of students meeting the criteria for inclusion in experimental groups by county.
2. A vast array of different tests across the state.

This factor is both an advantage and disadvantage. It is disadvantageous because the limited number of students taking the same test restricts the amount of data that can be pooled to obtain statewide representative samples.

The advantage offered by this factor is inherent in the effect of variety on test bias. Having a variety of test types means that statewide findings are less likely to be a product of cultural, linguistic or other bias exhibited by any one test. The net result of this factor is that whatever information is lost because of test variety is offset by believability of the information that is presented.

It would have been possible to transform all scores to a standard score and thereby pool all data. It was decided that such a procedure would introduce more uncertainty than certainty concerning the results and was not pursued.

Table I lists the counties involved in the review and the test scores available.

TABLE I

County code and county	Data code	Score Type	Test data
06—Broward	17	RAW	Inventory of readiness skills.
11—Collier	2	RAW	Metro-reading readiness.
13—Dade	11	PCT	Clymer-Barrett reading.
25—Hardee	2	RAW	Metro-reading readiness.
26—Hendry	6	RAW	SAT-reading.
26—Hendry	2	RAW	Metro-reading readiness.
28—Highlands	23	RAW	Harper-ROW-reading (preprimer).
29—Hillsborough	20	RAW	CTBS-reading.
35—Lake	2	RAW	Metro-reading readiness.
36—Lee	4	RAW	Metro-achievement-reading.
43—Martin	4	RAW	Do.
47—Okeechobee	8	GE	SAT-reading.
48—Orange	14	RAW	CTBS
50—Palm Beach	32	RAW	SAT-total.
53—Polk	2	RAW	Metro-reading readiness.
55—St. Johns	2	RAW	Do.
56—St. Lucie	2	RAW	Do.
58—Sarasota	2	RAW	Do.
59—Seminole	2	RAW	Do.

B.—OBJECTIVES

The objectives of the review were to supplement inquiry into the following questions:

1. Do first grade migrant students who have had Early Childhood program experience enter first grade with the same reading readiness level as do regular school students?
2. What is the effect of varying amounts (none, one, two, and three years) of Early Childhood experience on reading readiness at first grade entry?
3. What is the effect of varying amounts (years) of Early Childhood experience on success during the first grade?
4. What is the relationship between age of a student and benefits to be gained from Early Childhood experience?

C.—DATA ANALYSIS

The strategy used in analyzing the data was as follows:

a. Data was pooled across all counties wherever common test data was available.

This approach permitted the use of parametric techniques such as analysis of variance. Parametric techniques of data analysis are of course the most powerful because magnitudes of differences as well as directions of differences are analyzed. (See Appendix B, Exhibits 1–4)

b. To use all the data for all groups across all counties, a non-parametric technique was used. This approach used information from more groups, but analyzed the direction of group differences. (See Appendix B, Exhibits 5–7)

The analysis is contained in two appendices. Appendix A contains tables and a county by county analysis of data. All data within each county were analyzed to obtain basic measures of dispersion, central tendency and departures from normality.

Appendix B contains selected comparisons within and between counties for each group.

SECTION I

Executive summary

All statements contained in the 'Executive Summary' are subject to the qualifications found throughout the review as well as the usual cautions inherent to statistical processes.

The purpose of this review was to inquire into four questions as stated previously. The findings are summarized in the following: A—Questions 1 and 2

Because of their interrelated nature, these questions will be addressed jointly.

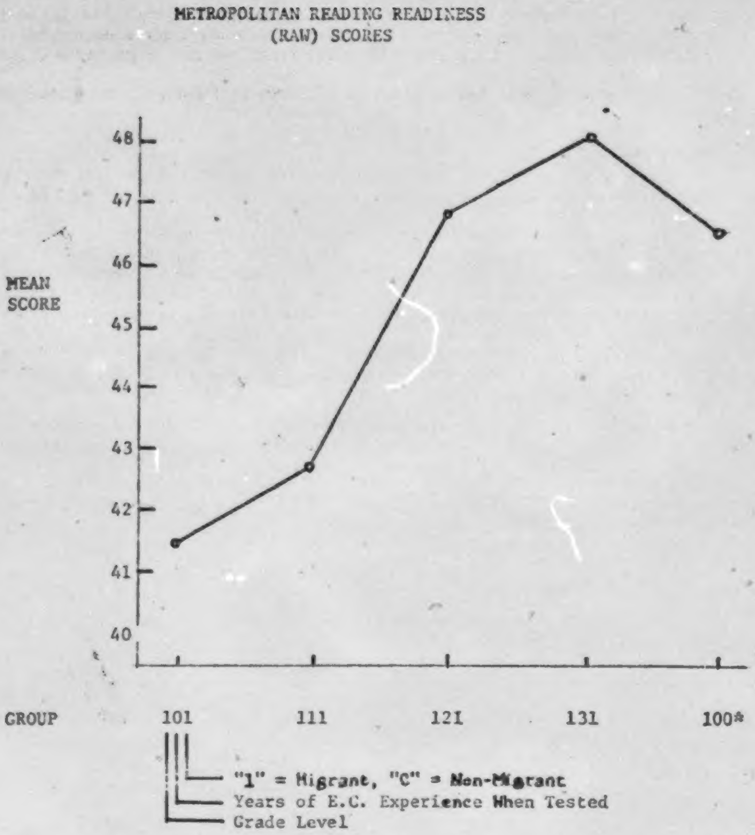
Question 1.—Do first grade migrant students who have had Early Childhood program experience enter first grade with the same reading readiness level as do regular school students?

Question 2.—What is the effect of varying amounts (none, one, two and three years) of Early Childhood experience on reading readiness at first grade entry?

Results

a. Migrant students with two or three years of Early Childhood experience enter first grade with about the same level of reading readiness as do the non-migrant students reported in the review.

b. Migrant students with no Early Childhood experience and those with one year of Early Childhood experience enter the first grade with a lower level of reading readiness than do non-migrant students.



*MANY OF THE NON-MIGRANT STUDENTS ATTENDED PUBLIC KINDERGARTEN

FIGURE 1

c. Migrant students with two and three years of Early Childhood experience enter the first grade with a higher reading readiness level than do migrant students with no Early Childhood experience or those with one year of Early Childhood experience.

d. The more years of Early Childhood experienced by migrant students the higher their reading readiness level is likely to be when entering first grade.

Figure I is a graph of the means of the groups. This graph portrays the findings stated above. (See Appendix B, Exhibits 2, 3, 4, 5, 6, and 7) B—Questions 3 and 4.

These questions are also interrelated and will be addressed jointly.

Question 3. What is the effect of varying amounts (years) of Early Childhood experience on success during the first grade?

Question 4. What is the relationship between age of a student and benefits to be gained from Early Childhood experience?

A fundamental measure of 'success' is the ability of the migrant student to avoid repeating the first grade. The following chart compares percentages of migrant students repeating first grade as influenced by different amounts of Early

Childhood at different ages.
Sample size=1,603 students.

Program participation:	Percentage repeating 1st grade
Migrant students in EC 3, 4, and 5	0
Migrant students in EC 3 only	0
Migrant students in EC 3 and 5 only	0
Migrant students in EC 3 and 4 only	3.8
Migrant students in EC 4 and 5 only	4.6
Migrant students in EC 5 only	9.8
Non-migrant students without preschool	14.2
Migrant students in EC 4 only	14.8
Migrant students without preschool	32.6

Several results suggest themselves:

a. The younger the migrant student, the more benefit to be derived from Early Childhood.

b. Three years of age is by far the optimum age for maximizing Early Childhood experience.

c. Once the child reaches the age of four without Early Childhood, two years of Early Childhood are required to yield benefits anywhere approaching those obtained during age 3.

d. Early Childhood of any kind is effective in reducing the likelihood of repeating first grade to a level equal to or below that of non-migrant students with no preschool experience.

C.—SUMMARY OF EXHIBITS IN APPENDIX B

Exhibit 1—Basic statistics for all groups having Metropolitan Reading Readiness scores.

Exhibit 2—Shows no difference between non-migrants and migrant students having 2 and 3 years of Early Childhood experience.

Exhibit 3—Shows that the mean score of migrant students with one year of Early Childhood is significantly lower than that of non-migrants and migrants with two or three years of Early Childhood.

Exhibit 4—Shows a significant difference among groups having varying amounts (years) of Early Childhood experience.

Exhibit 5—Shows a significantly higher likelihood of scoring higher with increasing amounts (years) of Early Childhood experience.

Exhibit 6(a)—Shows that non-migrants are no more likely to score higher than migrant students with 2 and 3 years of Early Childhood experience.

(b)—Shows that non-migrants are likely to score higher than migrant students with one year of Early Childhood.

Exhibit 7—Shows that migrant students with no Early Childhood are likely to score lower than migrants with one, two or three years of Early Childhood experience.

2. *Comparability.*—Quote: Department of Health, Education, and Welfare, Office of Education (45 CFR Part 116d), Federal Register, Vol. 40, No. 131—Tuesday, July 8, 1975, page 28627, Proposed Rules, Section 116d.36 Comparable access of migratory children to State and locally funded educational facilities and services.

(a) *Assurance by State educational agency.*—Each application by a State educational agency for a grant under this part shall contain an assurance that, during the time migratory children reside in the State, the State educational agency shall not conduct a program for migratory children under this part through a local educational agency which does not provide access by migratory children to State and locally funded educational facilities and services comparable to those ordinarily provided to non-migrant children who reside in the attendance area in which the migratory children are served. The preceding sentence shall not apply in the case of a project initiated at a time during which State and locally-funded educational facilities and services are not ordinarily available to non-migratory children; however, this exception shall not be construed to limit or modify the requirements contained in Part 116, Section 116.39 relating to supplanting of State and local funds, and services which by law the applicant is required to provide to migratory children. Nothing in this section shall be construed to limit or modify the requirement of Part 116a, Section 116a.26, paragraphs (g) and (h), pertaining to maintenance of comparability in school attendance areas where projects funded under Pub. L. 89–10 section 2 and Part 116a are being conducted and which serve migratory children.

3. *Administration and operational responsibilities.*—It is not possible with a 1% administrative fund allocation to fulfill the responsibilities which are forced upon states in the following proposed regulation 116d.33.

Services provided by the State educational agency.

The State educational agency for which the Commissioner has approved an application under this part shall be responsible for the proper and efficient administration in the State of all programs under this part. Specifically these duties include:

(a) Ensuring compliance with the State educational agency's assurances to the Commissioner;

(b) Preparation of the State educational agency's application to the Commissioner;

(c) Providing instructions to applicant agencies designated under 116d.5 to operate programs for migrant children;

(d) Reviewing proposals from such agencies;

(e) Fiscal control and fund accounting;

(f) The design and preparation of State evaluation reports;

(g) Dissemination of information.

Services provided by the State educational agency that are unique to the program under this part (e.g., Statewide recruitment and identification of migrant children, State and local inter-agency coordination, and implementation of the migrant student record transfer system), or are the same or similar to services provided by local educational agencies under Part 116a may be charged to program funds. All other services provided by the State educational agency under this part shall be charged to funds paid to the State pursuant to section 143(b) of Part 116 of this chapter. (20 U.S.C. 241g. 1232c(b))

(b) *Comparable access defined.*—The requirements of paragraph (a) of this section will be deemed to be satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition and transportation services on the same basis as provided by the local educational agency to nonmigratory children residing in the attendance area where migratory children are being served. (20 U.S.C. 241c–2(a)(1)(C), 241e(a)(3)(C))

See copies of pages 85, 86, 87 and 88 of the transcript of hearing conducted on July 9, 1975 by Title I Audit Hearing Board. Migrant Program. ACN: 04–10141, Docket No. 2–(13)–75. (Printed at end of prepared testimony.)

Identification of participants: Mr. Schultz—Chairman of Panel hearing appeal of The State of Florida. Mr. Jenkins—Office of General Counsel, HEW. Mr. Rosenfelt—Office of General Counsel, HEW. Mr. Molina—Member of Audit Hearing Board. Mr. Hilburn—Administrator of Migrant Program, Florida Department of Education.

On page 87, starting with line 22, Mr. Rosenfelt states, "You would look at generally what is provided out of state and local money in the same manner, compared with what is provided elsewhere in the *State.*" (emphasis added)

The Proposed Rules quoted earlier state that a migrant child should have comparable access to State and locally funded educational facilities and services to that of non-migrant children "*who reside in the attendance area in which the migratory children are served*" (emphasis added).

The point I am making is that even though there are currently no official laws or regulations concerning the subject of "comparability" as it relates to the Migrant Program, General Counsel for HEW states that individual schools when Migrant Program funds are expended must be comparable to other "non-migrant" program schools in the whole state.

[Brief recess.]

Mr. SCHULTZ. All right, gentlemen, we are back on the record. Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, perhaps a couple of statements would help clear up some of the questions on comparability. There are several sections in the regulations and the section 116.26, which is in the current regulations, but which was not in effect during the time period in which we are interested, and that provision, 116.26, deals with reports as to comparability which are required under the major part of title I, but not under the migrant program.

Mr. SCHULTZ. Tell me what you mean by comparability.

Mr. Jenkins. Comparability is the requirement that services be provided by schools receiving funds which are comparable to the services which are provided by other schools. Is that correct?

Could I refer to Mr. Rosenfelt?

Mr. Schultz. Sure.

Mr. Rosenfelt. It is a requirement that the services provided with State and local funds in the project areas, the ones that are served by title I, LEA type projects, are comparable to the services provided by State and local funds in the nonproject areas, the schools that are not having title I projects.

The report that Harold was talking about in 116.26 applies to the program under title I to aid educationally deprived children, popularly called the local educational agency part of title I.

As far as the migrant program is concerned, you don't have to file a report as such, and I think that is what the Florida people were saying the title I program staff had told them, and I think that is agreed upon that there is no such report required.

Mr. Schultz. But you say the standard is still applicable?

Mr. Rosenfelt. Well, in fact, in the statute, the standard, well the authority for setting up this report is in section 141(9)(3)(C) of the current statute, and that talks about State and local funds will be used in the district of such agency to provide services in project areas which taken as a whole are at least comparable to services being provided in nonproject areas.

That particular section, the objective of that section is incorporated into the migrant program specifically by the title I statute. It says that that section, among others——

Mr. Schultz. That section comes out of the general statute?

Mr. Rosenfelt. Right, but that section is incorporated into the migrant part and it says that programs and projects administered under the migrant part shall be carried out in a manner consistent with the basic objectives of—then it lists the sections and that is one of the sections that is applied that way.

So while we don't require a report, the statute states clearly that the objective of that section would apply and this is consistent with the regulations that were in existence at the time which applied that objective.

Mr. Schultz. Now how would you apply comparability to Collier County?

Mr. Rosenfelt. Well, from what Florida said, the county is considered the local education agency.

Mr. Schultz. Right.

Mr. Rosenfelt. So if we are talking about, let us say, the regular LEA program, the two schools that we were talking about, you would look at the State and local funds in various categories and you compare it to the State and local funds extended in the other schools that were not receiving title I funds.

Now, in the migrant program, if most of the children were at these two schools, then the State was receiving money for those children. You would look at generally what is provided out of State and local money in the same manner, compared with what is provided elsewhere in the State.

The migrant program is a State agency—the State agency receives the grant, so in a sense, you are talking about a wider area.

Mr. Molina. Could I ask a question on this?

Mr. Schultz. Yes.

Mr. Molina. Isn't the issue, at least on the audit report and this is all we can go by, is by the audit report, the issue of supplanting, isn't the contention here that the district was supposed to have hired x number of teachers for x number of kids in those two schools and the contention is that they did not. They hired some teachers with Federal funds and that is an issue of supplanting. Is not the direct issue of the audit report, and the auditor did not raise the issue of comparability.

Mr. Hilburn. He did it when he applied what was earned had to be spent there. That is comparability. I mean, across-the-board comparability. If he determined in that one particular school that every dollar earned by the kids in that school had to be spent in that school, that is comparability. I mean, that is what comparability is.

They compare it to the average of all other nontarget schools, but see, in migrant, we don't even have target schools.

John, could I ask you—could I ask John a question, if I may?

Mr. Schultz. Well——

3. ADMINISTRATION AND OPERATIONAL RESPONSIBILITIES

It is not possible with a 1% administrative fund allocation to fulfill the responsibilities which are forced upon states in the following proposed regulation 116d.33.

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(a) Ensuring compliance with the State educational agency's assurances to the Commissioner;

(b) Preparation of the State educational agency's application to the Commissioner;

(3) Providing instructions to applicant agencies designated under 116d.5 to operate programs for migrant children;

(d) Reviewing proposals from such agencies;

(e) Fiscal control and fund accounting;

(f) The design and preparation of State evaluation reports;

(g) Dissemination of information.

Services provided by the State educational agency that are unique to the program under this part (e.g., Statewide recruitment and identification of migrant children, State and local inter-agency coordination, and implementation of the migrant student record transfer system), or are the same or similar to services provided by local educational agencies under Part 116a may be charged to program funds. All other services provided by the State educational agency under this part shall be charged to funds paid to the State pursuant to section 143(b) of Part 116 of this chapter.

(20 U.S.C. 241g. 1232c(b))

Mr. FORD. Let me say before you start that I am going to have to leave to go to the outer office for a little bit. I hope you gentlemen won't leave before I get back to ask questions. I am going to be speaking to the Michigan School Board Association by telephone hookup and answering questions about how much money we are going to have for them this year, and it shouldn't take long. So if I leave, it is not because I don't want to hear you; I am just going to go out there and do that, and then come back in here.

Go ahead.

STATEMENT OF DALE HILBURN, ADMINISTRATOR, MIGRANT EDUCATION SECTION, FLORIDA STATE DEPARTMENT OF EDUCATION

Mr. HILBURN. Thank you. I also had an opportunity 2 years ago to testify on behalf of migrants and migrant programs, and if you remember, at that time I think I was second, and being from the South, the only one from the South, I talk so slow, this time, as your agenda would have had me second again, these guys insisted that I be last, in case we ran out of time. [Laughter.]

Mr. HILBURN. I know only three areas of concern that I want to bring to your attention. There are many more, but these three are critical, in my opinion, to the Florida migrant program. It will also affect many other States.

The other directors at times have mentioned rules and regulations for migrant programs. We are almost 10 years old, and to date there has been no migrant rules and regulations to operate the migrant program. We have had to rely on title I rules and regulations, and then for someone to interpret which of those applies to migrant programs and which do not.

The first part of my testimony will be in pre-school. Pre-school as I will be discussing it includes 3- and 4-year-old migrant students. Public Law 93–380, under paragraph A is the same as it was in the 750 language, which said that the States would develop programs to meet the special educational needs of migrant children.

Under that guideline, under that statement, in 1969 Florida started into an educational 3- and 4-year-old program. It became the no. 1 priority of expenditure of the State grants in Florida, and up until 93–380, we were having no problems in running this educational program. But then under paragraph D, which the first time I read it, I liked it, because I thought it was encouraging pre-school education, but the interpretation that has come along since then, and it was conveyed to the State of Florida last January after an EO monitor, that it encourages pre-school provided an agency will assure that they have served the needs of all of the 5 to 17 year-olds inclusive migrant students in that State.

Thus it is impossible, at least in Florida, to do any pre-school, if we have to assure that every 5 to 17 year-old has been served adequately.

Yesterday, day before yesterday, at the OE meeting, one other additional interpretation was added that not only would the 5 through 17 current migrant, but every former migrant would also, 5 through 17, have to be served before you could serve pre-school youngsters.

I found out yesterday that there is only $4.8 million funded through OCD for migrant Indian preschool. I don't know how much of that goes to migrant and how much goes to Indian, but Florida alone spends more than that on their migrant in preschool education, and we are not serving all of the eligible current 3- and 4-year-old migrant students in Florida with that expenditure.

The $4.8 million in OCD is not a categorical allocation, it is an administrative decision as to how much they will spend of the OCD grant for migrant and Indian education.

I hope the intent of Congress was not the intent as is now being interpreted by some members of the Office of Education. If it was, I would hope that you will review the evidence that I have submitted that shows what effect preschool education can have an the life of a migrant youngster once he starts to school. Then maybe you could do one of two things: Eliminate the reference to clause A, or include the 3- and 4-year-old migrant students in the funding formula. And I would recommend the funding of the 3- and 4-year-old migrant student.

The second part of my testimony is comparability. We have been told since the comparability regulations came out in 1971, or whatever year they first started, that comparability did not apply to the migrant program. This we have been told verbally by OE.

In July 1975, Florida had the unfortunate opportunity to appear before a hearing board to try to settle a 1969–70 migrant audit exception, and in that particular hearing, a member of general counsel from HEW quoted 116a.26 of the title I regulation and said that it applied to the migrant program. Then he proceeded to explain how a State migrant program would have to apply comparability, and his statement was that not at a district level; since it was a State program that the State would be responsible for being comparable statewide instead of within the boundaries of a school district.

In the proposed regulation which is in 116d.36, possibly a State could comply with that comparability regulation, but when Federal auditors come into the State, probably next year, my concern is that they will be trying to apply a comparability requirement that someone has interpreted, an attorney for General Counsel in HEW, that is, a State has to be comparable statewide. And I can see 5 years of battling in which we are guilty until we prove we are innocent once they say that we are not comparable, and it is not enjoyable spending your time trying to argue that fact.

Item No. 3, administrative and operational responsibilities of the migrant program:

In 1966 when Congress amended the Elementary and Secondary Education Act of title I to include migrant, they made it a State program, and I am sure they knew if they didn't it would be just like title I and programs would be designed for kids as they reside in one district and not for students that move across State boundaries or district boundaries. When that law was passed it did put a burden, a responsibility at the State level that no one has really accepted as fact, and to function at the State level with the migrant program where you are responsible for developing and implementing a program for students that move, Congress also felt that it did not take very much effort, I would assume, since they applied the 1 percent of administration that had been applied to the regular title I act to give the States to administer the migrant program.

Jesse mentioned 116d.33 earlier, which is the proposed regulations for migrant programs, and there is no way that a State can take away from regular title I, which is regular title I is not enough for them to administer their title I program at the State level, and take their money and apply it to the migrant program, which is much smaller but has much more responsibility at that State level, and then for that State to try to function and do the things that are expected to comply with the State grant.

Then comes the hassle, what can you do with State administrative funds, and what you can do with migrant program funds. I think 116d.33 is very inadequate in describing the functions that are to be paid from title I funds and then trying to describe those functions that would be paid by program funds.

Thank you.

Mr. MEEDS [presiding]. Thank you very much, gentlemen. I have questions on two primary areas, and I am going to address them first, because I know you and have worked with you, Raul, to you, and then I would appreciate getting the comments of the other panelists with regard to these two general areas.

First, by way of background, you probably have been advised that both Congressmen Ford and myself were rather critical, perhaps that is an understatement also, of the Office of Education efforts with regard to settled out migrants at our last hearing. I would like to know from you (1) what efforts were made prior to our last hearing to get you to get an accurate count or to involve you as State directors in an accurate count of settled out migrants? (2) has that effort changed in any way, to your knowledge; and (3) how do you expect to either at their request or despite their request get this information, accurate information, to the Office of Education in the future?

Mr. **de la Rosa.** Congressman, I know of no directive or memorandum that has been issued to the directors soliciting such information.

Mr. **Meeds.** Well, they did have a memorandum, and evidently had made some phone calls and received some information which was, as I recall, grossly in excess of what may have counted as settled out migrants. They then chose to use the information which they already had.

Do you recall ever being solicited?

Mr. **de la Rosa.** No, sir.

Mr. **Meeds.** Was anything said at the last meeting you had, just 2 days ago, I believe, or yesterday, was it, with OE, with regard to a count on settled out migrants?

Mr. **de la Rosa.** No, sir, not to my knowledge.

Mr. **Meeds.** Was any effort made, to the knowledge of any one of you panelists, to place some impetus on counting, locating, counting and providing assistance for settled out migrants at the last meeting?

Mr. **Lopez.** Congressman Meeds, California did receive a call, and I believe it was a call from Congressman Ford's office, regarding our estimated number of former migrants, or what we call 5-year migrants, as you call them, settled-in migrants. We had at one time estimated around 65,000 in California, and our figure right now is probably closer to 100,000 former migrants. We have not received any communication from the U.S. Office of Education regarding their interest in this.

The question of the former migrant was discussed verbally at the meeting that we just completed, and there was concern regarding our providing you with information at this time that they did not have in their hands.

To answer your question, the only request regarding the former migrants that we receive is through a phone call from Congressman Ford's office.

Mr. **Hilburn.** May I, please?

Mr. **Meeds.** Yes.

Mr. **Hilburn.** This is from memory and it is only related to Florida. I don't know whether the same thing happened in others.

A year and a half or 2 years ago, it was before 93–380 passed, but it must have been nearing the ending stage, I received a phone call from the migrant branch requesting information in two categories—fishermen and former migrants. At that time we contacted all of the superintendents in the school districts that we thought had fishermen, and that gave us an estimated number of fishermen. Also then we called Washington back and gave them this information. We also gave them a projected number of former migrants that we thought we had in the State of Florida.

Nothing else that I am aware of happened or came to us in reference to the former migrant or fishermen until December of last year at a meeting just like the one we have just concluded, and at that time the law had passed.

We were told at that time, if I remember correctly, it was on December 5—we were told by OE that the former migrants would be included in the funding and the fishermen would be included in the funding, and that we were to enroll those students in the data system, and that the system then would be the method of funding.

We were told at that time if we enrolled between December 5 and the remainder of that month "*x*" number of former migrants and fishermen, that it would be, I think 2 years, maybe 1977—I know it will be 1977 before the State of Florida, fiscal year 1977, before we can receive any funds for the fishermen that we put in by using the data base.

Mr. MEEDS. Or the former migrants?

Mr. HILBURN. Or the former migrants, except those that would have been placed in the month, the 1 month.

Now, our schools were closed somewhere around December 20, and I doubt if we got 500 of those former migrants enrolled during the month of December, of the remaining time.

So, if my understanding is correct, it would be 1977 before we receive funds for fishermen or any type of rational number of former migrants. But OE did call prior to the law passing, and they did tell us in a meeting in December last year.

Mr. DE LA ROSA. Did I understand you correctly—you said since your last meeting?

Mr. MEEDS. Yes, which was about 3 weeks ago.

Mr. DE LA ROSA. Yes, sir; and since that date I still maintain my position, we have not either been called in the State of Washington nor has there been any directive issued to us soliciting such information.

Mr. MEEDS. Was the special problem of former migrants, settled out migrants, settled in migrants, whatever terminology you wish to use, was that discussed, especially at the meeting you have just concluded with OE?

Mr. SORIANO. Yes.

Mr. MEEDS. Would you tell us what the import of that suggestion was?

Mr. SORIANO. The import was simply it left it about as ambiguous as it had started out, and it revolved simply around definitions and intent of the legislation, and we never quite got away from that. The fact that we are having some difficulty identifying 5-year migrants in some States, coming up with some specific definition, and the other part of it was that once you have identified 5-year migrants, there is a problem administratively at the State level making a decision as to whether you are going to serve them, or what proportion of your allocation, your State allocation, you are willing to use with 5-year migrants. That is generally the problem as it stands now.

Certainly as we articulate, the State directors articulated the problem, that very simply you are placed in the bind because USOE tells you very specifically that the No. 1 priority is for the moving youngster, the youngster who comes and goes, and yet you are allowed, according to the new legislation, you are allowed, you may pick up, you may provide services to the 5-year migrant, and when you do provide services to the 5-year migrant, the 5-year migrant, interestingly enough and ironically enough, the youngster who does not have No. 1 priority is the youngster who can generate more funds for your State.

I think that, unless I am mistaken, I think the entire discussion about 5-year migrants centered around those things, and that was about the import of the discussion on the 5-year migrant. I don't think we came away, at least I personally, and as I talked with other State directors, I don't think we came away with any satisfactory answers to the questions that we had with regard to the 5-year migrant. We still have some concerns about how we make those decisions at the State level with regard to the inclusion of the 5-year migrant.

Perhaps Leo?

Mr. **Lopez**. There was one bit of information, and I questioned the figure when it came out on a report from the director of the migrant student transfer in Arkansas, and I asked him to repeat the figure, of what the anticipated, or at least guess at information as to how many former migrants there are, because I know there is competition for the title I buck, and at that time he gave a figure of 300,000 migrants, former migrants. That is a large figure, and evidently he was not supposed to say that. Evidently the U.S. Office of Education did not have the information prior to that. But I am saying if there are 300,000 I think it is a low estimate. You are talking about probably half a million instead of 300,000 former migrants, or even more.

For example, in California most of our former migrants, they outnumber the current migrants probably 4 to 1. If you have enough money California is going to take $97 million that you have already for the whole country. Texas will take the other $1 million.

You are competing for that title I buck. As long as it has to come off the top of that $1 billion or $2.5 billion or whatever it is for title I, there is going to have to be a down play on number of former migrants in each State.

As I said, in California you count the former migrants, I have 200,000 former migrants there, and we will take all of our $98 million allocation now.

Mr. **Meeds**. Refresh my recollection. I am trying to get the research here very quickly. Could any of you refresh my recollection on the way the money is allocated? My recollection is that title I funds for migrant education go right off the top and are allocated on a State basis, on a migrant count. Is that correct?

Mr. **Lopez**. That is correct.

Mr. **Meeds**. Therefore, if you have more settled out, settled in, or former migrants, you are going to have to have to get a bigger allocation; is that correct?

Mr. **Lopez**. That is correct.

Mr. **de la Rosa**. I think one distinction must be made. That is not on account of the child. You don't go by number of children; you go by the full-time equivalence, the residency of the child. That is why Mr. Soriano's statement is very important. That as you concentrate in the fifth-year child, that child is going to generate a full dollar.

Mr. **Meeds**. Yes; this is the point I brought up with the OE people 3 weeks ago, when they tried to give me a full-time equivalent count for settled out or former migrants. It was my observation that they were almost all on an individual basis full-time equivalents, and that it would indeed increase the allocation to States where they had substantial numbers of settled out migrants. I strongly suspect that this is precisely why the effort has not been made to get accurate counts on former migrants—that it results in a reduction in other areas of title I.

Would you agree or disagree with that?

Mr. **Lopez.** I agree 100 percent, absolutely.

Mr. **Soriano.** I think if I was State director and were to take a more accurate census of my 5-year migrants I would be faced with a population double that which I serve now in the 5-year category, and then I would be faced with making the decision to serve those youngsters once I have established that in a census.

That makes life a little bit more difficult for the program director. Again, as I stated, that is what causes State directors some concern, that we have to bear the brunt of that decision because of the ambiguity and ambivalence which presently exists.

Mr. **Meeds.** I understand that problem. But again, if my recollection is faulty here I hope you will correct me, up until several years ago, the language of the act was permissive, "may be counted," but it is now "shall be deemed to continue to be." Is that correct?

Mr. **Lopez.** That is correct.

Mr. **de la Rosa.** They could be counted. They never generated any dollars for us in previous years. We could serve them, provided it did not dilute the program, the educational program for the true or mobile migrant child.

Mr. **Meeds.** But the language now is that they shall be, they shall be deemed to be migrant.

Mr. **de la Rosa.** That is correct. As Mr. Hilburn has stated, the U.S. Office of Education informed us last year that moneys would not be made available to States until the 1977 fiscal year. So at the present time, although the law calls for serving of the 5 years, we the State directors are using our discretion in that we want to make sure that under no circumstances do we deplete our funds for the true migrant child in serving the 5-year-provision child, inasmuch as we don't have additional funds.

Mr. **Meeds.** If the intention of Congress in making that mandatory—I will clearly state that it was the intention of those of us who were involved in making that mandatory to in effect reward those school districts and those States who served the settled out migrants, in an effort to begin to assimilate migrants into the local communities, to provide some impetus for assimilation. If that was our purpose, it is being frustrated by the very actions of the Office of Education in not pursuing a policy of counting them accurately and allocating for them.

Would you agree or disagree?

Mr. **de la Rosa.** Your statement is correct.

Mr. **Lopez.** I want to emphasize you understand the position the districts are finding themselves in. They are going to take title I money and provide for migrant children, and we get it first, that means we do see the number of dollars per urban youngster to serve youngsters who have come in from rural areas who are formerly migrants, so it creates a lot of animosity, a lot of competition, and consequently we think a very unfortunate situation. So what we would like to do is perhaps if there is some way you can direct more dollars to the migrant youngsters, so we will not have to be in competition with the title I programs who already are, as I stated, underfunded according to the statistics we have. So we are put in a very difficult position, and the animosity is fantastic.

Mr. **Meeds.** I think this is just one more illustration of what you were accused of earlier, Raul, understatement. This is one more illustration of the unwillingness of the administration, the Office of Education in this instance, to carry out the will of Congress. This is just 3 weeks after they were before this committee, pointed out that they were going to use this upcoming meeting, the one you have just attended, as an opportunity to increase the impetus for counting and allocating for the settled-out migrants. Your testimony here that very little was done at that meeting is further evidence of the unwillingness of this Office of Education to really fulfill and carry out the will of the Congress.

Mr. **Soriano.** I was doublechecking with Mr. Dunn to see if my memory served me right, and we were not given any special directive asking us to go out and take a count, more accurate count, or come up with a census of 5-year migrants.

Mr. **de la Rosa.** I would like, at least from my perspective, to make the following observation. It goes back to my statement.

I think that one of the key points that I wanted to make was that the migrant staff operates under, I think, at least from their conduct and at times from their noncommitment, I think it operates under some ambivalence, some uncertainty, and this uncertainty is, of course, if one would want to draw some conclusions, may be predicated on the fact that the direction from the superstructure and, of course, the migrant program is within the structure of and the constraints of the title I program, the regular program and its administration. Therefore, I would like to enter at least for the record that in my opinion it may not necessarily rest with the migrant staff itself, but it may be that the policy structure within the title I structure is at times a factor behind Mr. Rivera, the director, and his migrant staff being unwilling to really take a forceful position in regard to these issues.

Mr. **Meeds.** I must accuse you of an understatement again when you say "may be." I don't think there is any question that it is a direct result of this kind of policy decision at a higher level. I think that is apparent.

Well, let me pursue another line of questioning, and this I must at the outset indicate to you is more in a philosophical vein.

I think we find ourselves ambivalent toward migrant education. If I were to ask you, would you say the number one reason for the high incidence of failure of migrant children to enter high school and complete high school is that they are required to work?

Mr. **Lopez.** Yes.

Mr. **Meeds.** Is that an accurate statement?

Mr. **Lopez.** Yes; I think there is no question in my mind that economics is the critical factor there, and child labor laws, violation of child labor laws is rampant. I have gone publicly in California and stated that 50 percent of the migrant kids in the State of California are not in school when school is open and when school programs are available because they have to work, and there are definite violations of the child labor laws throughout the country. Until they are enforced equally throughout the country you are going to have that condition remaining. We estimate at least 50 percent throughout the country, the children that are eligible for educational services are not in school because they are out working, and it is an economic factor, and there is no question about it. And you are going to argue about statistics until the world ends, because nobody wants to come out definitely against kids working out in the fields, because it is an economic factor.

Mr. HILBURN. May I? I think the statement that Dr. Lopez just made in my opinion might be more a symptom at this stage of a problem that starts at birth for that child, and maybe the decision that the parent makes when that child is at that age is because of his failure, or the school's failure to educate him; that the logical decision for that parent to make is "Why not let him work? The school is not going to help him."

I don't think that anyone could find a migrant parent in the United States that did not give their No. 1 priority for that child to become a graduate of high school, but the system failed the parent, and then they see the system fail the child, and by the time the child is of that age there is no need for him to stay there, so their decision is to work him.

I think if they succeed in school at that age, even though it would hurt them economically, the parent would say "You will go to school."

Mr. MEEDS. Let me just say that you are obviously much more experienced in these things than I am, but, just drawing on my own limited experience, I would like to agree with you. I would like to agree with you, but, does the economics of being a migrant allow that the children will not be earning a substantial portion of the total family income by the time they are of high school age? Does it?

Mr. DUNN. May I respond to that?

Mr. MEEDS. Please do.

Mr. DUNN. The last time you went shopping in the supermarket did you notice the price of one apple, or have you been on the streets? I am sure here in Washington you may have street vendors. If you have noticed the price of one apple, it ranges anywhere from 25 to 35 cents for one apple.

Do you know what migrants were paid in Pennsylvania this year per bushel to pick apples? Twenty-five cents a bushel. They were given a nickel incentive if they stayed the whole session. On top of that, not all apples were picked this year. The crew leaders were given instructions to leave every fourth row of trees unpicked.

Mr. MEEDS. Well, be careful now about apples.

[Laughter.]

Mr. MEEDS. Or strawberries.

Mr. DE LA ROSA. You know, I would like to make the following point, and that is that we cannot absolve the institution itself in terms of its inflexibility, and that is the premise for the secondary credit exchange program that we have established between Washington and Texas. That is the institutions many times are unwilling to be flexible, are inflexible in terms of creating viable alternatives to meet the child's needs. Indeed, there is an economic need, but that does not preclude migrant education, migrant directors, LEA's, for looking for viable alternatives to assure that child of some continuity to his education. Many times, I realize that though we have been talking about USOE, we must be fair—we must be critical of ourselves. We must be critical of our State institutions, of our local educational agencies within our States. That is that we are many times unwilling to face the reality and face the fact that we do not care sufficiently for the migrant child to make the system respond to his needs, regardless of his economic situation.

Mr. **Meeds.** If I could add something—far too little has been done in terms of finding viable alternatives to the situation we have just been talking about. Of the economic needs of the family, and the educational needs of the children. As they say, it is always summer for the migrant children, for the migrant child. We really haven't done as much as we should in terms of providing in some fashion at least a limited educational experience for the migrant child who is 14 or 15 years of age, despite the fact that economically we recognize that if the migrant family is to exist, there must be a contribution there.

It seems to me this is a very fertile field in which we ought to be sowing more seeds.

Mr. **Soriano.** I think in past years, certainly in the past 2 years, as we talk to more and more migrant parents, there was once upon a time when we were happy to settle for that and say that the reason that migrant children didn't achieve in school or didn't finish high school was simple economics, and in the last 2 years I think we have been thinking differently, as we have found more and more children coming to our schools. We have gone out and asked parents, Why are you sending your children, and they are saying now it is because they can now see some value, some worthwhile payoff in sending the youngsters. If in fact in the past the children hadn't, as you have already suggested, hadn't achieved, it wasn't entirely economics, it was simply they weren't welcomed anywhere else, and it was easy enough to say "We might as well keep him here; there is no reason to send him to the school where they don't want him and there will be little value."

I think through the media, certainly through migrant education programs, we have come to convince many parents that that youngster's education is worth a lot more than the few cents he is going to earn out in the field.

So when we get asked that question, particularly in public meetings, very frequently people will try to establish that it is an economic need, and parents are more concerned with the buck than they are with education, and it is absolutely not true.

Mr. **Meeds.** Well, the unfortunate thing, it is just what Mr. Hilburn pointed out—this becomes a way of life, a modus operandi from the very outset, because there aren't viable alternatives. I think migrant parents have to understand that in progressive States—which hopefully would be all States which migrants go to—in progressive States there are viable alternatives.

One of the very impressive things that Mr. Ford pointed out in a hearing he had in your own State, Mr. Hilburn, was that one of the migrant fathers talked about going to Washington State, and when he was asked why he wanted to go there by Mr. Ford, he pointed out that the education was good. So the desire is there. It is just that we have to be more aware of trying to at least recognize and work around this problem of the economics.

Also, I don't think we are doing nearly enough in this area. That is my personal observation.

I have taken too much time. The chairman has returned. Thank you very much.

Mr. Lopez. I think the regulations call for more parent involvement, and it is sort of an afterthought, because it is part of the title I requirement. I would like to see that statement or that requirement be enforced, because it says, "Please involve the parents, but understand that they are not always there to attend meetings". It is what they are saying in parenthesis. That is wrong. Parents are interested in the education of the child, and they must, we must go out and recruit them into the program. They are not going to wait for us to, we cannot open the door and say "Come and join us." We have kept them out too long. Recruitment of parents as well as the children is critical to the program.

I just want to emphasize that point, because without the parent you are not going to get to the child and it should not be, "Do it if it's possible." It must be mandated, "Do it."

Mr. Meeds. Thank you, gentlemen.

Mr. Ford [presiding]. Mr. Meeds made mention of the man that should be famous, if he isn't yet, and I would like to go back to a hearing that we held in Florida in April 1973. This migrant was himself a second-generation migrant, his children that he was describing to us were the third generation. It was his habit to travel, starting from Florida and ending up in the State of Washington, with six people in the family, as I recall, four children and his wife. And we pressed him a little bit to describe what the educational experience was that his children were having, and also trying to find out what he could show us about a typical—if there is such a thing—a typical migrant family in this situation.

And he turned out to be one of the most articulate witnesses I have heard before a congressional committee, while in the process of explaining how self-conscious he was over the fact that he had no educational opportunity of his own. Maybe you have all read it, but I think on page 22, after I had pressed him to talk to me about the bad experiences that he had with getting an education, he mentioned, "I would like to say there are places we have gone in the past 3 years, for instance in Stockton we got there 2 weeks early before the school session was out. We tried to register the children for school. We went to three different schools, and they would not register the kids for school. So I contacted the school board, and I can't recall the name of the office, but he was the chairman of the school board, and I had a meeting with him in Stockton, and he did get the children enrolled in school, although they didn't like to go to school there."

The point was that he persisted and found somebody. Then he finally ended up, I said "You believe that if your children have opportunities for access to education they will have a better life than you have, Mr. Williams?"

"Yes; I certainly do."

And I asked him again, "Do you think that education will do that for them?"

And here is what he said: "Well, my aim is, if I can get my children educated, it's not that they go out and be a professional man and do things for money like an attorney, you know, I wouldn't really care about him doing that, but if he could turn that same learning ability into doing something for his fellow man to try to relieve the problems that exist, then my life has meant something, where as if I give him an education so that he goes out and makes enough money to buy a grove to treat the people the way they have always been treated, then I have been a failure. But on the other hand, if he can gain the education and responsibility to go out and try and relieve these problems through this education and working on them, then I and he both have been a success."

That was something that stuck very much with me, and I think it fits with what you have been saying about the kinds of aspirations that travel around with these people. You wonder how many people would like to say what he was able to say who can't, and how many never think of being pushy enough to find a school board member and demand to know why he couldn't get his child into school.

That brings me around to what happens to be something less than vigorous efforts on the part of the national office to get you to identify all of the children that we would want identified. I have been very disappointed in the efforts this year to identify the 5-year settled out migrant children, and I want to get to something that was said here about the separate programs.

It was never our intention to have one kind of a program for a traveling migrant and one for settled out migrants. The only distinction involved in the two of them was in the funding. We thought that the device of the continued classification for 5 years was a way in which we could offer an incentive at the local level for identifying and continuing to work with a child, a financial incentive that would pay off in bringing a broader constituency to the program. That is solely intended for the purpose of funding. It was never intended that there would be any constraints on you, to devise different programs, if they were otherwise appropriate to both types of children, for one than you had for the other. And if there are regulations that seem to suggest that, I would like to work on those regulations with you, because that is clearly not our intent.

When we made an informal check not too long ago we found a number of State offices told us that either the U.S. Office of Education had done nothing to determine how many settled out migrants you had, or had approached you in a way that indicated that there was a mind-set here in Washington suggesting that it wasn't a good idea to find too many of them, because they were in competition for funds with other title I children.

I would like to ask each one of you to comment on that.

Mr. LOPEZ. Yes; I think we have. Congressman Meeds asked a similar question, and I stated the only information or question or directive in that area that I received was from your office, and that at that time we gave a figure that we had estimated 64,000 former settled in migrants a couple of years ago, and right now I think if we really went out and recruited, we can find 100,000 now.

I also indicated that the problem here as we see it is that as long as the regular title I total funding is not increased, we are in competition for that dollar as an amendment because we are 100 percent funded.

Mr. FORD. Let me ask you: Do you detect at the State level a feeling by the title I administrator that this is a form of competition? Are you discouraged at the State level from increasing the number of eligible children under the 5-year——

Mr. Lopez. No, Mr. Ford, nobody discouraged me. I have not received a directive against finding kids, but you know, there are innuendos when our program has been successful in recruiting and finding more kids, the question has come via a member from a higher office, what does it means to regular title I? Does it mean that California regular title I is going to diminish if migrant education funds are increased? So that question has come up, but I have never been—of course I will not permit them to stop me from recruiting youngsters because that is my job.

But I am saying that from a national level this question has come up, the fact that if you do not, if you increase your numbers as long as regular title I is constant, then this means that we are going to have to be sharing a larger piece of the pie. So we have not, we have heard no discouraging words, but we have not had supportive words, is what I am saying.

Mr. de la Rosa. Congressman——

Mr. Ford. Let me ask you, while you are at it, when we had the U.S. Office of Education before the committee they indicated there was going to be a meeting December 1. One of the things they said they did to encourage you to identify these children was a similar meeting sometime in the past, and it was indicated to us there would be a vigorous attempt to encourage you to identify these additional children at this meeting, which I assume most—did all of you attend this meeting that just took place?

Mr. de la Rosa. Yes, sir.

Mr. Ford. While you are commenting, would you tell me the way in which they approach you with this "vigorous attempt" to get you moving?

Mr. de la Rosa. Let me answer your question by the following fact. If indeed this legislation terminates in 1978, and it is true that we will not generate any dollars for fifth-year-provision children until fiscal year 1977, I think that in itself would give you a clear indication as to the policy or the position of the U.S. Office of Education in regard to funding fifth-year-provision children, regardless of the vigor with which—and in fact, I did see a litany of a list of meetings that supposedly—I shouldn't say "supposedly"—a list of meetings which were enumerated and provided to you as evidence that the fifth-year-provision question has been uppermost in the minds of the title I administration. I believe I saw that memorandum or that document as testimony that was given you in the month of August.

The fact that we have talked about the fifth-year-provision child still does not preclude the fact that there has been no money from the U.S. Office of Education to provide for the additional services or the additional program operation and implementation that we are going to have to create for the children, for the fifth-year-provision children. If there are no dollars but there is a great deal of emphasis on identification of fifth-year children, this in itself is not an encouragement for us.

I would like to defer the question regarding the essence of the discussion that was just recently held on this issue because we did become rather immersed in some complexities, and I for one walked out after that meeting with a great deal of uncertainty. I am a little bit more confused now than I was before the meeting regarding the issue of the 5-year-provision child. There has been no decision from the U.S. Office of Education, or there has been no change in the decision that we will have to wait until fiscal year 1977 before any moneys will be made available to us for fifth-year-provision children.

Mr. **Soriano.** I think we answered this a little bit earlier for Mr. Meeds, Mr. Ford. To my recollection the session that we had on the 5-year child centered around defining 5-year, some of the philosophical differences some of us have had with regard to which group should be served first. Some of the implications for title I programs, if we include the 5-year child and some of the implications for funding were discussed. I think that was about the extent of the meeting. I think that is what we actually talked about for that session on the fifth-year youngster. That I can recall, we were not given any intense directive or direction to go out and identify the 5-year youngster. I think that is simply an answer to your question.

Mr. **Ford.** It has been also suggested to us that, since the migrant transfer center did not previously have this information fed into it from the States, that information was not adequate. We pointed out to the Office of Education during the hearings that the clear language of the statute was that they would either use the migrant record transfer center information or the best available information.

They told us they did a telephone survey of the States and got some estimates. On the basis of that telephone survey they then told GAO when they were asked that for the fiscal year 1976 they were going to fund 45,500 full time equivalent children, plus about 270 fishermen's children, and the indication was that you were going to be encouraged to get the information into the migrant record transfer center on the 5-year children so that the next time somebody asked the computer how many are there in each of the States and in total, the computer would be able to tell them.

What has been done about encouraging you to gather the information and submit it so that it will be available?

Mr. **Soriano.** I think short of asking us to identify 5-year youngsters when we pick them up, if they are in our programs, and they asked us to identify them as 5-year youngsters, but the directive has never been to go out and do a census and identify any additional ones. If you are serving them, then you have to identify them as 5-year youngsters, but you don't go out and identify any more—although again that did touch, we did touch upon that, but not with the sugtion that it was a directive, or with any intensity as you suggested.

Mr. **Dunn.** My recollection is about the same as what has been said already. There was a statement made—I don't know whether it was made to the other directors; it wasn't before the general meeting—that you had better get as many kids on the transfer system between now and December 31 as you possibly can, because that will be the cutoff date for counting purposes.

We in Pennsylvania have taken it upon ourselves, primarily because of the addition of the staff member from Puerto Rico, to make an effort to communicate with the Hispanic community and to identify the children. Seventy-four percent of my migrant population this year were Spanish-speaking children, and perhaps our needs in the five States that I mentioned in my testimony are a little more unique than some of the other States. But I concur with what has been said already concerning what was or was not said about the 5-year provisional children.

Mr. HILBURN. In answer to your first question, I have been told many times by administrators, not of title I but of our State agencies, that under no circumstances will the State of Florida become involved in a hassle from the migrant point of view, a hassle over funds, whether it is going to be for title I or migrant. So your first question, is there any feeling related to the competition for funds between title I and migrant is, "Yes," and I have been told I am not to make an issue if it is going to mean does the migrant get the money in my State or does title I get the money.

Mr. FORD. Is your State taking the same stand on the physically handicapped children?

Mr. HILBURN. They are not an issue; they don't cause problems.

Mr. FORD. Oh, yes; they do.

Mr. HILBURN. In my State there is not an administrative problem there.

Mr. FORD. But I would like to point out to you when we negotiated this arrangement in the middle of the night under the Capitol dome, there was an understanding with the strong advocates for special attention to physically handicapped children—or was it all handicapped children?—all handicapped children, and that is how we managed to tie the two groups together and get the migrant category as a preferred category of—not preferred; that is a bad word—as a primary category for funding of title I. Two of them were done that way.

Now, maybe you haven't had an opportunity, but I would be interested in whether your State agency takes the same attitude about conflict of funding between handicapped children and title I as it does between migrant children and title I?

Mr. HILBURN. In my answer a moment ago I meant to say, no, my State does not see that State program for handicapped being in competition of funds, yet it is under the same. There is a different attitude toward the handicapped than there is toward the migrant. The migrant is perceived as in competition with title I regular funds or local grants, but the handicapped at the State level is not perceived as being in competition with the LEA grant.

Mr. FORD. I see some heads nodding, and that won't show up in the record. Would each of you like to respond to that specific question about the comparison of the way in which you are either directed or it is inferred that you react as the migrant directors as distinguished from the way your State is dealing with the handicapped children in the same section of Federal law?

Anybody want to say something?

Mr. SORIANO. Just a general observation I would like to make, Mr. Ford, and that is even though I have no specific information on my own State agency as to what stand they have taken with regard to the handicapped, whenever you talk about handicapped, you are talking about something that is distinctly different than migrant. Migrant, after all, is not a very important youngster in a State he is not a resident of. Very often he is a culturally different youngster, whereas handicapped children are residents, and there is a tremendous amount of emotional involvement in dealing with handicapped youngsters when talking about handicapped youngsters. So the attitude, the general attitude about providing services to handicapped is slightly different, and if you ask people, "Would you object to providing money for handicapped children if it took money away from title I," the obvious answer to that would be, "No."

Now, if you ask people, "Would you object to taking money away from title I to provide services to migrant children" there would be a different answer. Then you would have people taking a different stance.

I think that is just an observation. Again I have no specific evidence on what happens in my own State agency. I think I can tell you that by and large the feeling has always existed as far back as I can remember migrant, it is in fact in competition with title I. That has always been the case. I think it has only become a bit more emphasized in the last couple of years as we start talking about funding.

Mr. **Ford**. Well, Jesse, it is precisely because of what you just said that some of us seized on the opportunity to fasten the two together when it presented itself. As a matter of fact, as I recall what was happening that night, the chances are that we would have been left out of the change that we tried if we hadn't been able to reach an accommodation with those who felt very strongly about the handicapped. And there were staff members who recognized that we might be digging deep into the till and called that to the attention of the conferees so there could be no question that the conferees knew that we were intentionally skimming funds for these two categories, because they had all of the characteristics of the basic child to be reached, the educationally deprived child of traditional title I definition, plus some extras.

So we were trying to take into account the extras, and I think it was clearly our intent to try to counter what seems to be a national thing. Since you and I come from the same State, I am sure we are both proud of the fact that we did move as a State to guarantee universal educational opportunity in the public school system to handicapped children where it had been denied in the past. Other States have been compelled to do this by court order.

It is a pattern in the bill that the President just signed that will give impetus to this across the country. But it has been very clear to me for a long time, that while this is a very deserving group, it does lack for a politically important and potent constituency that supports it. So we felt the weaker constituency would benefit by being alined with it.

I would hope that you will keep in mind that it was our intention to treat them the same and indicate to us how we can focus proper attention on that from this level on your State people.

Did you want to comment?

Mr. **de la Rosa**. I would like to say that perhaps in my State I am in a rather unique situation. First of all, Dr. Roulette would never tolerate such activity to take place within the agency in terms of any dispute or any competition or looking at migrant children differently from handicapped.

Second, I am very fortunate to work in a situation where the assistant superintendent is very supportive of the migrant program, and although she is in charge of both the handicapped and the migrant, there has never been any issue as to a difference in terms of treatment or even in perception of the children.

So I think, third, I would never tolerate it. I would definitely seek ways to make sure that that kind of activity did not take place within either the section or the division or within the agency, in that I would be rather vocal in terms of anyone trying to place the migrant child in a category which is less in need than a handicapped child, because all children are indeed our responsibility, and we should look at them as equally as in need of our educational endeavors.

Mr. HILBURN. I think after his remarks I had better clarify mine, because I might have been misunderstood.

It is not a battle within the State. That is not what I was referring to. Mine was I was not to in any way try to make a racket with OE or push OE for migrant funds decisionwise if it was going to—in other words, it is the same dollar that we are getting in Florida, and it is going to balance one or the other not to push the issue. It is not that the State feels in any way any less responsible for trying to educate the migrant child than they would a title I child, and I would like to get that point.

Mr. FORD. Thank you.

Mr. LOPEZ. In California special education has had high priority in the educational picture. In California, I myself prior to coming to the Department of Education, was special education director of a program in the local school district and worked very closely with that. In California we have never had trouble that I know of with advocates for the handicapped special education child. I am afraid I have to say that with regard to the migrant children, the advocates of the migrant children have been limited to a large extent to the directors of migrant education. That is the people who are actually out there responsible for the migrant child.

In my testimony I said that the director of migrant education is many things. He is not just an administrator. He is out there implementing programs himself. That should imply also that the number of people looking out for the welfare of the children depends quite a bit on that director's, the State director's effectiveness with the total educational picture out there, and it is a continuous battle.

We have been able in many cases to buy support, and by "buy," it means we go and pay people to look after youngsters. We are continually preaching. We are continually working to have advocates beyond those that are being paid with dollars and cents that belong to the migrant child.

So it is not the same, and California is very proud of the special education program they have. I have to say that we must be continually visual and continually working and continually striving to find advocates for the migrant child, and we have been successful. We are the No. 2 in the country as far as number of children there, and we have doubled our resources because we have brought in more children, but it is not an easy thing. Yo don't go to a school district and say "Please help migrant children."

The first thing they say, "How are you going to pay for them? Give us more money."

And so we have been trying to get as much money to them so they will not have an excuse that they do not have the resources. So advocacy for migrant education nationally and in the State of California really depends on the effectiveness of that State director and the school districts that he is able to convince that these kids are their responsibility.

So it is not the same. We are very proud of our special education program; we would like to see the same advocacy for migrants as we have for special education.

Mr. HILBURN. If I could now continue in response to the second part of your question, Mr. Chairman.

Mr. FORD. Go ahead.

Mr. HILBURN. In 1974, calendar year, the funding to States was not based on the MSRTS, and during that year the peak enrollment by Florida into the system of students was somewhere in the neighborhood of 32,000 youngsters, including up through that time a very strong feeling in the State that under any circumstances would former migrants be placed in that system, even though there had been discussions several years over whether we should have been funded or not.

If my memory is correct, I think FTE for that particular year, only those students which we serve could we place in that bank, and I think we had something like 300 of those youngsters during 1974. After the law and the decision to go with the MSRTS, the number jumped this past year in 1975 to 55,000 youngsters. During 1975 we only had the 1974—I am two years off, 1973 and 1974—in 1974 we had 55,000 youngsters. Former migrants were placed in there and counted. It would have been those only enrolled from December 5 through. When we realized we would not be funded for fishermen or former migrants until 1977, I think that attitude was, at least it did not then become a high priority of States, of this State, to see if we could get all of the former migrants. You don't get people into that system without costing you money. You have to hire the people that are going to do the legwork in those districts, and it is sort of like, if you have got the money to find them you can get the money to serve them; and if you don't have the money to find them, then you don't get the money to serve them.

It has made it more difficult for the States. They either had to change the priorities within their States or add personnel to do that type of recruitment, and it is much more difficult. We are required on every former migrant to have the parent's signature before we can enroll the child in the system. By law we are required. The former migrant we can use many means, or the current migrant, that would be an indication other than possibly parent interviews. So it is very difficult to even locate in order to enroll the former migrants into the system.

I would like to share one thing with you that did happen at this national conference that you will probably enjoy. The State directors, after reading Education Daily a few weeks ago, the State directors did get together and take up a collection to buy you another pair of undershorts in case you need them at a later date.

Mr. **Ford**. I wish we could correct the record before they quote us sometimes. That is a milder expression than I sometimes use.

What you are saying now is that we have a sort of chasing-our-tail situation. The Office of Education insisted to us that the reason that the 1977 fiscal year had to be the first one for the funding was that that was the most practical target because of time constraints. You in turn are now indicating to me, at least in the State of Florida, they gave you a predisposition toward funding in 1977, which discouraged you from giving them the figures that would have been used for fiscal year 1976.

Now, Mr. Quie asked the GAO to take a look at this problem. We have the GAO report before us. On page 13, they address under the title "Formerly Migratory Children":

> OE officials told us that formerly migratory children were not included in the funding base for FY 75 allocations because accurate estimates of their number and locations were not available. The only estimates available were those obtained primarily from an OE telephone survey of the states and Puerto Rico made in October '74. OE officials said that although the estimates were not very accurate, they believed them to be conservative. The total estimated number of formerly migratory children was 275,246, distributed as shown above.

And they have a table in here showing what their telephone survey indicated.

So what you are telling me is that, in addition to the general attitude of conservatism, Florida's figures would have been affected by the fact that when you were asked for the figures you were told there wouldn't be any additional money for 1976. What you are doing is watering down what you have, and that in effect had a dampening effect on your securing and transmitting more accurate and fuller figures on the number of 5-years.

Mr. **Hilburn**. No. In October we were not told that we would not receive funds, and I assumed that our estimate would be used for funding. We were told in December of 1974 that we would not receive funds for those students until fiscal year 1975—1977. I am sorry.

Mr. **Ford**. But in August of 1975 OE told GAO that they were going to fund 45,500 full-time equivalent children in this category for fiscal year 1976. I wonder where that money went to. Do we have any way of knowing?

Mr. **Hilburn**. If those students had been enrolled from December 5 to December 31, 1974, they would have been funded in fiscal year 1976.

Mr. **Ford**. One question, again back to your formal statement, Mr. Soriano. I always have trouble with that, because I spent so much time arguing about and discussing *Serrano* v. *Priest*. It comes to the end of my tongue quickly. I consider that one of the great court decisions of all time.

But you mentioned on page 5:

> Yet according to U.S. Office of Education migrant program guidelines, the interstate moving migrant child must receive first priority. A State, then, if adhering strictly to the rules, regulations, and guidelines, must first serve the migrant child, thereby being forced to reduce the services to the former migrant child, which in turn results in loss of possibly more funds for the subsequent year.

Now, that statement suggests to me the rather rational approach that that priority would reflect itself in concentrating funds on programs outside of the normal school year, since whether he is identified as a migrant or not, there is nothing else available.

Mr. **Soriano.** Right.

Mr. **Ford.** Does that carry over into the school year programs where there is any constraint on you to deal differently with the interstate moving migrant child, aside from the fact that he may need some particular aspect of the program that the settled-out child doesn't need, but in terms of his status rather than his individual needs? Do you feel a constraint?

Mr. **Soriano.** No. I am sorry. Let me see if I understand you correctly.

We do have during the regular school year—we do have interstate children in the early part of the fall and later part of the spring. Those youngsters are very frequently enrolled in—when we get them in our programs are enrolled in whatever the regular school activities are, plus some supplemental activities that are provided for migrants. The place where it becomes a little bit more difficult is when dealing with the 5-year youngster, the former migrant youngster in the regular school system, and that very often becomes an expressive proposition, because you are talking about tutorial types of programs, pullout programs, interns, teachers, transportation for interns, teachers. It becomes an expensive proposition, and if I reduce the services, if I reduce the services to the 5-year youngster in that regular school program, if I have reduced or cut down the number of youngsters I can include, then accumulate the FTE for the allocation, the full-time equivalency that I would accumulate otherwise, and if I don't do that, then I may not have enough money or I may not have the money I could have for that subsequent summer. So it becomes an interesting situation.

If I want to have a lot of money for the summer programs, or for the interstate migrant, then I had better get a lot of 5-year migrants, because they are going to generate more funds for me. But then in order to get more funds for the 5-year migrant, if I use more funds for the 5-year migrants, that diminishes the amount of money I have for the summer migrant, because you have to use it.

The problem that we are faced with, I guess is that it is public knowledge that one of the problems we are faced with is that 5-year youngster can in fact generate more funds for migrant children and, therefore, then I am faced with community people, migrant community people, resident community people, coming up to me and saying "Why aren't you serving my 5-year youngster? He could make more money for you, and he is eligible for that kind of service."

If you say, "I have got to give all of my first priorities to the moving youngster, the interstate youngster," they take issue with that.

That is a situation that places you in a quandary.

I think in any case, I was just speaking with Mr. de la Rosa, the folks from the migrant branch, USOE, flatly said that is going to be a decision that you are going to be faced with as State directors. We understand that you will be placed in a quandary. We understand that you undergo pressures from various groups, either agencies or the community, as a result of that 5-year provision, but that's your baby. And that is what we agreed to, that simply we didn't know how to get out of that. That presents us with some great deal of difficulty, and in Michigan, as you well know, we have a large number of former migrants. A large number of those folks stay in our State because of the industry, and those youngsters are in fact in need, as I have indicated.

Mr. **Ford**. That is what is at the bottom of my problem with this distinction from the very beginning, and again revealing part of the motivation for working so hard to get the 5-year in. When you look at the city of Detroit, which would normally not have interstate migrants moving in and out of the city, but as a magnet not only for migrants, but people we don't classify as migrants from States around, who come looking for employment because of what in normal times looks like very attractive opportunities with limited skills in big industry. They are very frequently disappointed, but the growth of Spanish-speaking people, for example, in Detroit between 1960 and 1970, at the same time that our migrant force was dropping, was phenomenal.

And you go to Grand Rapids, Lansing, Kalamazoo, Battle Creek, Benton Harbor—because of the nature of our agriculture in Michigan there aren't any jobs available for them to settle out into agricultural work. They are settling out in industrial centers, looking for opportunities in the industry or the satellite activities that go on around an industry. So the Detroit school system, where nobody picks anything except marihuana, ends up with a lot of settled-out migrants, and we try literally to respond to what they were suggesting was a group of people that, while they were doing the best they could, were not getting any special attention, because by giving special attention to other people you were generating money. And so that is where really the idea began to fester with some of us. If you can convince them by giving special attention to this child there was money involved, they, too, would get the special attention.

Now, do you get pressure from the Detroit people?

Mr. **Soriano**. No. As a matter of fact, the Detroit public schools up until I think 2 weeks ago, and that may be a result of perhaps your office—I think up until about 3 weeks ago decided to contact my office and ask if they were eligible for migrant education funds. The Wayne Intermediate School District, which would include Detroit, had had a migrant program at one time, but they were unable to identify more than a dozen migrant or former migrants, which is sort of incredible.

In any case, from my office's standpoint, we never pursued the Detroit situation because we know darn well that if we start locating all the former or 5-year migrants in Detroit we could spend our entire State allocation in the city of Detroit.

Consequently, there didn't seem to be much reason for going out and searching for those youngsters, if we didn't have the funds with which to provide services. And I think perhaps that is something we are going to have to look at inasmuch as Detroit public schools have now indicated some interest in looking for former migrants.

Mr. **Ford**. What is happening is that the Wayne County Intermediate School District is agitating all the school districts in Wayne County, including Detroit, to find out what, if anything, they are doing to implement the provisions of the act. And since the Wayne

County intermediate school superintendent, Dr. Simmons, has always been a bug on developing computer capacity, he guarantees me that very soon he is going to be able to give me a computer printout by school district and building of the migrant and former migrants identified there. So what this is going to mean to you is the problem, of course, if we can't generate local pressure to support the program there we can't generate it anyplace.

It is a pretty progressive group of people when it comes to pursuing educational resources in dollars, and to be honest with you, we are trying to generate this.

Los Angeles is doing something similar. It is going to be uncomfortable for you, but we hope it will also be comfortable for a lot of our colleagues when it comes to funds for this program.

Mr. SORIANO. If it becomes uncomfortable for me, I will simply point out there is no money, and that they should visit their friendly Congressman.

Mr. FORD. It doesn't hurt for the Congressman in the big city to discover that they have a direct financial stake in this thing. It is marvelous when you can walk in to a Congressman and say that is how many dollars it means in your city. It is the greatest logic in the world, very persuasive.

Mr. LOPEZ. I would like to speak to that, because I think what has happened in Detroit could very well happen in California. East Los Angeles itself would take $18.5 million without any investigation, and I think here again I know the purpose of encouraging the 5-year migrant, then again we are going to have to increase the resources, otherwise your poor country cousin, that means the migrant in the rural area, is going to be left out with nothing, because the political pressure is from the urban areas. That is where you have your concentration. We have been fighting—and by the way, Los Angeles has been very merciful; they have not pressured us to open the gates in East Los Angeles, and we thank them for that; but we can say the same thing for the Oakland area, for the San Jose area. So it is fine to bring them in, but let's bring in the resources.

Otherwise you are going to find the poor migrants, the rural migrant, the one that doesn't have any resources, being left out again. So again, we would like to help everyone, but unless we have the resources and the support from the national down to the local level, the poor rural migrant kid is going to again be the poor country cousin with no resources.

Mr. FORD. We don't want that to happen, obviously, because we do, in spite of what I have said, recognize that that is where the first priority has to be, because that is where there is the least likely to be access to some assistance. It is true, however, inadequate, there are at least available some resources in the metropolitan centers that are not found elsewhere. And so I guess measured on that kind of a scale, it is better to be poor here than to be poor someplace else. I haven't been able to accept that.

The chairman of the full committee can explain to you why it is more difficult to be poor in rural America better than anything I might say.

This committee is going to be marking up next Tuesday the California Emergency Relief Act, the Vietnamese refugee bill, which is intended to address itself to the problem of States like California, primarily California but others as well, who have the sudden problem of an entirely new category of governmentally imposed, if you will, students to deal with, with supplemental financial assistance, and it seems to be going very well.

I think there is some haggling about the amount of money, but I suspect that it will get passed. I hope that it will set a precedent for the idea that if, for example, somebody showed me figures in Oklahoma, the parents of the children involved in the one little Oklahoma school district which suddenly acquired a lot of these people are in a chicken-plucking factory. That doesn't say much for the great resounding statements made by the American Government of what we were going to do for the refugees. But suddenly they find themselves with a whole cluster of these people working, and that can't be the highest paid employment in the area, in a school where they have never seen anybody who speaks Vietnamese, and it is a real traumatic experience for them.

So we are getting support from a broader spectrum of the Congress than you might expect. While the problem in dollars is bigger in California than elsewhere, in Michigan we do have some of these children—in Grand Rapids, Tom points out to me. The largest number of Vietnamese children in the State is in Grand Rapids, according to our figures.

Chris, do you have some questions?

Mr. **Cross**. I would like to pursue for a moment the question of States not receiving any funds for migrants who have settled out of the State until 1977. I can point out, for instance, that if an AFDC child had gone on the rolls of a State on February 1 last year, the State wouldn't get any money for those children until 1977, either. The law is written in to specify when OE has to collect data, and then to use these date to make the allocations amongst States. So I don't think you should feel that the migrants are being discriminated against in this respect. All children are being treated in the same category, and because of the complexities of writing the allocation and of collecting the data, the law establishes January as the date when that information has to be collected.

Now, I also should note that the law we are discussing was not signed by the President until August 21, 1974. That law also required the use of data from the previous January. So that unless the children were in the transfer system at that point, again, it was the law that actually precluded them being counted until the next year.

I think you acknowledged the fact that OE told you that any children you could get on the rolls before the end of December or the end of January would be used in the computation of fiscal year 1976 data, and again that is in conformance with the pattern the law sets down for the collection of data. They probably should have told you 3 or 4 months before that you had until that time. But again, they were following the law as the cutoff date for data collected. Perhaps we should think about whether there should be different standards, or the date should be pushed back some; but that in fact is the situation at present.

Mr. **Hilburn**. Could I respond to that?

Mr. **Cross**. Yes.

Mr. **Hilburn**. We were told in December that only the kids enrolled in the data base, the kids were in the schools, but then only had that few short time to get them and put them in. That particular year, the input was not run. The following run, the year which was going to be funding for 1975 was not run through the data base until April. The States could have had January, February, and March to go back to that previous year's enrollment on identification and enroll those youngsters into the system, even though the transactions happened after December 20. We could have made a mass effort on our part, and then at that time the school district would have really supported that type of identification, because they knew there would be funding coming earlier than 1977.

Some came in fiscal year 1975, some for fiscal year 1976, but it still is in a limited number, that we could have done a lot more if we would have been allowed to go back to our records and enroll those youngsters, then run the impasse, not to include January, February, and March in the impasse, but up through December. This was my point of saying——

Mr. CROSS. I am not sure what you mean by the impasse.

Mr. HILBURN. The impasse is running the data base to get the FTE through a calendar year. So even though we could have handled the transaction of communicating to the data base, we had 3 months that we could have used tnat would have had an impact, a large impact in my opinion, on the funding.

Mr. CROSS. As long as they had been enrolled in the school as of a certain date.

Mr. HILBURN. Yes, sir.

Mr. CROSS. I believe, Mr. Soriano, that you made the statement in your testimony about several conflicting programs providing aid to migrants, including title XX of the Social Security Act. I think that is an excellent point and one that probably needs to be examined broadly.

I would point out to you a piece of legislation now before the committee called the Allied Services Act. That bill would in fact permit those several programs to be looked at across the board in terms of the target population served, in this case migrants, and would allow some flexibility in waiving some rules and regulations so that the migrant population could be better served.

Mr. Soriano, I believe you also had made the point about State administration in the migrant program being a little more difficult than it was in the regular LEA program.

Is there any difference between the States' responsibility in the migrant program and in the special education program, for instance, or are there deficiencies in the regulations in both of those areas?

Mr. SORIANO. I am not totally acquainted with the responsibilities that a State has, a State agency has for special education, but unless I am mistaken, there are some—there would be some differences.

The State serves also as a primary provider in most cases.

Mr. SORIANO. Yes, sir.

Mr. CROSS. In that instance as well.

Mr. SORIANO. Yes.

Mr. CROSS. I think it might bear some attention by your own department people.

Mr. SORIANO. Normally in my department I have always had the feeling, at least from talking to folks who tell me what to do, that the migrant program is a relatively unique one in our agency, and very often they express it is the only thing of its kind, the only animal like that in the agency. And I always simply thought they had reference to the administrative rules that govern it, or the rules that govern it. Perhaps they had reference to the——

Mr. CROSS. It may depend on your State. In some States a different agency than the education department administers the program. I do not know the Michigan situation well enough to know whether you subcontract to another State agency to provide the services for special education. That is true in some States and not true in others.

Mr. DE LA ROSA. Could I ask you a question in regard to your question?

Mr. CROSS. Yes.

Mr. DE LA ROSA. Are you by implication saying there is a need to look at the administration of the title I program in the same vein as the handicapped?

Mr. CROSS. No; I am suggesting that in some States the same problem Mr. Soriano raised, with respect to migrants, may also be true with respect to special education.

Mr. DE LA ROSA. I don't know that much about the special education program or the handicapped, but I know yes, they do have a State plan, yes, they are SEA administered, and yes, they do, as I think in regards to the new law, they have to again undertake extensive recruitment or reidentification of children.

By the way, I would like to add in regard to the identification of migrant children, the migrant education program set the precedent in terms of the identification procedures in our State, and, therefore, they are using our vehicle, and in fact using our manpower to try to look for the migrant children who do fall and might fall in that category. But indeed, I am following your logic; I would have to say that that perhaps speaks to the fact that title I migrant education needs to be clearly reviewed in terms of its administration, inasmuch as the administration of the handicapped in our State is very separate from the title I structure, and indeed, it is so at the U.S. Office of Education level, is it not?

Mr. CROSS. Yes, it is.

A question to any of you who would want to speak to it—and not all; we just don't have the time.

How do you determine when a student has exhausted his 5-year eligibility to be a former migrant?

Mr. SORIANO. The way we determine it, of course, is on the basis of the parents' statement, the parents' statement indicating when, at which point in time they settled in the area and dropped out of it.

Mr. CROSS. The parents file a form with you; is that correct?

Mr. SORIANO. That is one of the requirements for serving the children, is that we have on file a parental form statement verifying their status as former migrants.

Mr. FORD. It also meets the requirement the child has to be identified only with the consent of the parent.

Mr. SORIANO. That is right. That is one of the things that causes us a problem in a place like Detroit.

Mr. CROSS. I am sorry, I don't understand. Parental permission is difficult because you have to find the parents?

Mr. SORIANO. Yes, sir.

Mr. Cross. The program, as you have acknowledged, has been in existence about 9 years. I suspect it's still getting geared up in some areas. Do you have any evidence yet of what the effect of the program has been? For example, has there been upward mobility in terms of students who have been in the program and have now reached the age of adulthood? What has happened to them?

Mr. de la Rosa. Could I at least in part answer that question?

Four administrators, in fact the superintendent from the State of Washington, recently visited the Texas school system in review of the status of the secondary credit exchange program in Texas. One of the things that we found was that about 4 years ago, if my facts are correct, the Texas school system was registering an 80 percent dropout of migrants. In fact, we reviewed the program in the Los Alamos school district, and we were shown graphically that a dropout rate for those children attending the Los Alamos school district has been reduced to 40 percent. And I think this speaks to the fact that prior to migrant education, many of us were unable to receive any kind of education. And I spoke earlier that for most of us, we attended 6 months out of the year, we did not attend the normal 9–10 month period. And what I think has happened is that the receiving States have been picking up some of these children, at least at the earlier levels, and we do have evidence, in fact it is very close to home, of children going back to the school system in Texas early and leaving without their parents to enroll back in the school district, in order for them to continue their education.

So I think that, yes, I would say that this is attributed to the fact that we have consciously been looking at the whole complexity of migrancy and interstate travel of the children, and we have been making some impact in that.

Mr. Cross. Very helpful. I wonder about your plan B. It may be too early in some cases to try and keep track of some of the students who have been in the program, to determine what happens to them in 5 or 10 years. Are they back in the migrant stream or are they out in jobs where they are able to make a more adequate income?

Mr. Lopez. I think the greatest benefit—and I have been in the program prior to inception in 1966—and what we have now, for example, we are very proud of it, we have former migrants that follow the crops, some of them, we have about 250 to 300 of them actually teachers now. We hired them in school as aides to teach their peers talking, and read to their own brothers and sisters and cousins and so forth. We have several college professors who are former migrants. But the biggest benefit is that they are in school. The fact is without the migrant education—and I keep repeating this—without the migrant education, less than 8 percent of the kids would be in school.

The other thing is that they are learning how to read and write and so forth. One of the things that is happening also is California has a good program that means that those people are staying in California. We have become almost 80 percent intrastate, because those former migrants, most of them, are from Texas, and many of them from Mexico are suffering during the winter months, they are staying there in order for the kids to continue to go to school.

Yes; the program has been beneficial in many many ways, and most of those ways, of course, will not be able to be tested. You cannot develop a test to determine the effectiveness of a program and show, yes, the number of people that are staying there. A good program will keep the parents there, and may of them against their wishes have gone on welfare so that they can stay there. And so the benefits are something that you cannot judge by a test that can be administered, and it is very important for this to be recorded.

Mr. CROSS. Let me, if I can, follow your last statement. You state a lot of parents are staying in one place and go on welfare. If that is the case, you would have a situation, would you not, in a couple of years when the counties catch up with this fact, that a school district would be receiving some funds for that child because the parents were perhaps on AFDC, as well as funds because they were out-of-stream, dropped out migrants?

Mr. LOPEZ. Yes; this could happen. The thing is that they come in and out of welfare, and also remember, they stay in rural areas close to where they can work with skills that they already possess. So they will not necessarily become regular title I younsters, and this is very important to recognize—just because they settle doesn't mean they become regular title I youngsters. Again, most of the districts in the rural areas are really strapped for money, and they are only serving a small percentage. So again this points out the importance of the extension of the resources to the 5-year migrants, with certain cautions about it, as we indicated; but they are not always picked up, and they will again join the stream.

For example, unemployment affects them. They may stay out of the stream for a year, and then they return to the stream to make a livelihood.

Mr. CROSS. You are saying they may not be picked up by the LEA program?

Mr. LOPEZ. That is right.

Mr. CROSS. But the district may nonetheless still be receiving funds because of their presence.

Mr. FORD. Except that there is a caveat to that.

Now, as a result of the changes in the title I formula the last time, first of all, as poor children as distinguished from being actually recipients of AFDC, they are not picked up because that census data counts where they were in 1970, calendar year 1969. As AFDC recipients they are only picked up in the new title I program if the family size exceeds the Orschansky size. The impact in a system like Detroit is that they aren't adding anything to the title I entitlement.

Mr. CROSS. I saw some figures from OE. The largest increase from 1975 and 1976 in title I children was in the State of Michigan.

Mr. FORD. We had the largest increase in welfare recipients on a percentage basis in the entire country from 1968 to last year, and the biggest jump, I think we almost doubled last year. We have something in the magnitude of a 300-percent increase, way ahead of others, And part of it is associated a good deal with the speed with which the economic recession hit the industrial centers like Detroit.

But in the month of August we had 12,000 families in Michigan, workers who had exhausted unemployment benefits, who became welfare recipients. So those statistics don't reflect this type of a child necessarily. It takes too long for that to catch up, and unless you really settle down and become a permanent kind of resident, you are not going to pick him up.

Mr. **Hilburn**. I would doubt if 1 percent of the migrant population in the State of Florida is on welfare. I don't know what percentage he was talking about. Don't assume in all States that this type of thing is happening. I doubt if 1 percent in the State of Florida of the migrant population would be on welfare.

Mr. **Cross**. Of the current migrants or former migrants?

Mr. **Hilburn**. Both.

Mr. **Cross**. Two further brief questions:

I am uncertain of your explanation of how the program is administered. Is the typical migrant, or out-of-stream migrant child still enrolled in schools in which other nonmigrant children are attending classes, or do they tend to be isolated and in schools primarily composed of migrant children?

Mr. **Soriano**. I think in those States where we have the year-around programs, if the regular school is in session then those youngsters will be enrolled in those schools, in the local schools, which means they would be enrolled in classes and classrooms where all other children are enrolled.

During the summer, the migrant schools become almost entirely migrant, because those are the only children in summer schools, so that is the only place where you have that kind of isolation. During the regular school year by and large those youngsters are enrolled in the regular school.

Mr. **Cross**. In a regular class in a regular school?

Mr. **Soriano**. Yes, sir.

Mr. **Cross**. That is the pattern throughout?

Mr. **de la Rosa**. In some schools in the State of Washington where administrators do set aside some title I money to fund summer school programs, the case may be that migrant children and title I children will enroll, or a school program will be created for both; but in the State of Washington there is no provision for summer school, so any summer school programs that do operate are funded entirely with migrant funds to support the education of the children, and obviously you can see then the tremendous economic strain that this poses; and comes back to the issue that Jesse raised—you have to set aside a sufficient amount of dollars to operate your summer school program, otherwise if you don't and you fund your regular in-school programs and exhaust your funds, you will find yourself with no funds to provide for summer school education for the mobile migrant children.

Mr. **Cross**. One final question:

Mr. Dunn, on page 5 of your statement you mentioned a Federal monitoring team having come in. Just for clarity, was that a GAO team or HEW audit team, or OE team?

Mr. **Dunn**. HEW program monitoring team.

Mr. **Cross**. Thank you, Mr. Chairman.

Mr. **Ford**. Thank you very much, gentlemen. I appreciate very much your staying over to testify, and the obvious amount of effort that went into the preparation of your statements. And I commend you and to a certain degree envy you for your total involvement in one of the most fascinating aspects of education that I think comes before this committee. And I detect that through your advocacy—somebody hit us recently with the fact that we grew from $7 million to $97 million now. Around this town, that is not an awful lot.

We were discussing black lung in this room the other day. That was sold on the floor as a $50 million a year program, and this year it is $1 billion. So while the growth on a percentage basis is phenomenal, the growth in itself is illustrated by the story about educators always looking over their shoulders to say "Look how far we have come."

And it is awfully difficult for us to generate here in the Congress, in addition to the feeling of "That's great, how far you have come," the feeling of "Look how far we still have to go." I detect throughout your testimony here no backslapping in the sense of "Look how much we have done." You continually have the threat of "Here are the real dimensions of what is yet to be done," and most importantly, you say this with a note of optimism in your voice that wasn't heard here a few years ago.

I thank you for what you are doing, and thank you for your cooperation with the committee.

The committee will stand in recess until the call of the chair.

[Whereupon, at 1:15 p.m., the committee was recessed, to reconvene at the call of the Chair.]

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